

# PROOF OF PUBLICATION

STATE OF WISCONSIN }  
MILWAUKEE COUNTY } S.S.

Ann Richmond, being the first duly sworn on oath, says that she is the Publisher of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 31, 2014

*Ann Richmond*

Ann Richmond, Publisher

Sworn to me this 31st day of March 2014

*David Zierner*



David Zierner

Notary Public, Milwaukee County, Wisconsin  
My Commission Is Permanent

## PROOF OF PUBLICATION

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FROM THE OFFICE OF JOSEPH J. CZARNEZKI

MILWAUKEE COUNTY CLERK

County Ordinance No. 14-7

File No. 13-965

AN ORDINANCE

The Milwaukee County Board of Supervisors ordains as follows:  
Section 1. Chapter 111 of the Milwaukee County Ordinances is hereby created as follows:

111.01. Policy.

It shall be the policy of Milwaukee County that certain contractors, subcontractors, lessees, and recipients of financial assistance doing business with the County shall be subject to the requirements of this chapter, a minimum wage ordinance, and shall apply to all contractors, subcontractors, and recipients of financial assistance as defined herein party to an agreement covered under this chapter with any Milwaukee County unit, division, office, department, or subunit thereof, and Milwaukee County quasi-public entity including:  
(a) A service contract as defined in MCGO 32.20(17), or an agreement to provide personal care and supportive home care to persons with disabilities or the frail elderly provided by agencies that exclusively contract with Milwaukee County, involving an amount greater than or equal to \$20,000; and  
(b) A lease agreement involving County funding or a public asset involving an amount greater than or equal to \$20,000; and  
(c) A concession agreement involving an amount greater than or equal to \$20,000; and  
(d) Economic development financial assistance involving an amount of financial assistance from the County greater than or equal to \$1,000,000.

111.02. Definitions.

For all agreements covered under this chapter, the following definitions shall apply:

(a) *Service Contract* means an

County Historical Society, Milwaukee County Federated Library System, Marcus Center, Milwaukee Public Museum, Cheries, Allis and Villa Terrace Museums, War Memorial Center, Milwaukee Art Museum, and any other cultural organization that receives contributions from Milwaukee County.

(2) *Non Profit*: Leases with nonprofit corporations, unless the nonprofit corporation passes through to a for-profit entity in an amount greater than or equal to \$1,000,000 in which case the for-profit entity shall be subject to this chapter as a subcontractor as in 111.03(1)(b).

(3) *Other Local Units of Government*: Leases with any school district, municipality or any other governmental or quasi-governmental unit.

(d) *Economic Development Financial Assistance* means any form of assistance, consistent with Wisconsin Chapter 104.60(1)(3), of an amount greater than or equal to \$1,000,000, provided to a recipient directly by the County in the form of loan rates below those commercially available, loan forgiveness or guarantees, bond financing or forgiveness, leases of land or real property or other assets for an amount below fair market value, or other valuable consideration, or any other assets provided to develop, real property, to foster economic development or to create or retain jobs or for other similar purposes which inure to the benefit of the recipient. The following are exempted:  
(a) *Non-Profit Corporations*: Economic Development Financial Assistance provided to nonprofit corporations, unless the nonprofit corporation "passes through to a for-profit entity an amount greater than or equal to \$1,000,000 in which case the for-profit entity shall be subject to this chapter as a subcontractor as in 111.03(1)(b).  
(b) *Cultural Institutions*: Economic Development Financial Assistance to the Fund for the Arts/CAMPAC;

111.03. Standards Requirement

(a) All employees performing part or full time work for a contractor, subcontractor, lessee, or recipient of economic development financial assistance covered under this chapter and all direct employees of that County, shall be paid the minimum wage rate defined in Chapter 111.02(e), except as provided in sub-section (c) of this section.  
(b) Tipped employees, employees paid on commission, or employees whose compensation consists of more than hourly wages, shall be paid at hourly wage; when coupled with the other compensation, that will at least equal the minimum wage rate. The value of meals or lodging shall be calculated pursuant to Chapter DWD-272, Wisconsin Administrative Code.

(c) Contractors and subcontractors as defined in Chapter 111.02(1)(a) and (2) shall be subject to the requirements of this chapter for the duration of the agreement with the County. Employees of contractors and subcontractors shall be covered under the requirements of this chapter for the hours worked in performance of covered agreements.  
(d) Recipients of economic development financial assistance and subcontractors as defined in Chapter 111.02 shall:

1. Be subject to the requirements of this chapter for a period equal to one year for every \$100,000 provided in economic development financial assistance, rounded to the nearest whole year, and employees of such recipients and subcontractors shall be covered under the requirements of this chapter for work performed on the premises of a project benefiting from financial assistance.  
(d) Minimum wage rate requirement will be updated annually on the last business day of February.  
(2) Excluded employees:  
(a) The provisions in this chapter shall exclude:  
i. Student learners as defined by

(1) Department heads or their designees shall include requirements for compliance with this Chapter in:

(a) Every bid request for proposal or request for qualifications for services, leases, concessions or economic development financial assistance covered under this Chapter; and  
(b) All new service, lease, and concession agreements, and all new agreements involving financial assistance and

(c) All renewals or amendments of agreements for services, leases, concessions, or economic development financial assistance covered under this Chapter after the effective date of this ordinance.  
(2) Contractors, subcontractors, and recipients of financial assistance must submit to the department a notarized affidavit certifying that they will comply with the requirements of this chapter prior to contract or subcontract award or receipt of any financial assistance.

(3) Contractors and subcontractors assigned in Chapter 111.02(g) shall submit to the Department of Audit at the conclusion of every third month during the period of an agreement covered under this chapter verifiable payroll records that shall minimally contain:  
a. Name of contractor, and in the case of sub-contractor, the name of the direct employer of employees covered under this chapter; and  
b. Contract or project name; and  
c. Name of all employees employed to perform the contract or subcontract and their job classifications; and  
d. Address of each employee employed to perform the contract or subcontract; and  
e. Hourly rate for pay for each employee employed to perform the contract or subcontract.  
(4) Contractors, subcontractors and recipients of financial assistance shall not use the requirements of this chapter to reduce the wages of employees.

(5) For every service contract and subcontract award, the contractor shall file with the department assistance

contractors of subcontractors, and concessionaires, real estate development contracts, and human service providers a year after the implementation of this ordinance; and  
(f) Publish and disseminate all procedures within sixty (60) days of the passage and publication of this ordinance.  
(2) Contractors, subcontractors and recipients of financial assistance covered under this chapter shall not disseminate or take adverse employment action against an employee covered by this ordinance for filing a complaint under this chapter, informing another covered employee of the provisions of this chapter, or assisting another covered employee in filing a complaint under this chapter.  
(3) Successor contractors or subcontractors shall offer employees of the incumbent contractor or subcontractor, who perform or performed the same or substantially similar work in performance of the current or previous contract or subcontract as will be performed under the successor contract or subcontract, continued employment for at least 90 days, unless the successor contractor or subcontractor demonstrates cause for discontinuation of employment.  
(4) Nothing in this section shall prevent a covered employee, a group of covered employees, or other person adversely affected by a violation of this section from attempting to bring an action against a contractor or subcontractor in a court of competent jurisdiction seeking relief under MCGO Chapter 111. Milwaukee County shall not be liable in any action arising under this Chapter brought by a covered employee, a group of employees, or other person adversely affected by a violation of this section.  
(5) An aggrieved individual, contractor or subcontractor may appeal findings of noncompliance in accordance with procedures estab-

111.06. Severability and

If any provision of this chapter or application thereof is judged invalid, the invalidity shall not affect the provisions or application of the chapter which can be given effect without the invalid provisions or application and to this end the provisions of this chapter are declared severable.

111.07. Waiver by County Board

Milwaukee County recognizes that from time to time it may be in the County's best interest to enter into contracts, leases or other agreements, including agreements involving financial assistance, which have been negotiated, bid for, or otherwise entered into in a manner which is not in strict conformity with the terms of this ordinance. Upon adoption or ratification of any such contract, lease or other agreement by the County Board through a vote carrying two-thirds of all seats on the County Board, any such nonconformity shall be deemed to have been waived by the County.

This ordinance shall not be construed to create any right or rights of enforcement in any person seeking to do business with the County and compliance with the terms of the ordinance shall rest solely with the County of Milwaukee.

Section 2. Chapter 32.09 of the General Ordinances is hereby amended as follows:

(17) "Service contract" means an agreement primarily related to staff services including, but not limited to, housekeeping, security, landscaping, maintenance, clerical services, food services, and other non-professional services.

Section 3. This ordinance shall become effective upon passage and publication.

Adopted by the Milwaukee County Board of Supervisors February 6, 2014

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111.08. Posting of current grant

shall be posted by the contractor at a prominent place where it can be easily seen and read by persons employed in the performance of such contract or grant. The poster shall also provide information of the means the requester may use to file a complaint of violation. In addition, copies of the current rate requirements shall be supplied to any person employed in the performance of a service contract or economic development assistance grant at the request of such person and within a reasonable period of time after the request.

(6) Milwaukee County reserves the right to inspect and audit any payroll records of any contractor or subcontractor or recipient of financial assistance for which this chapter applies, for any reason and at any time.

111.09. Accountability, Enforcement and Monitoring

The Division of Audit shall enforce this ordinance and shall convene a working group, the composition of which shall be determined by the Auditor from stakeholders in county departments. This working group will:

- (a) Develop language for RFP's, bids, concessions, and leases agreements; and
- (b) Define processes for field and desk audits ensuring compliance with this section; and
- (c) Ensure that each department/division head or his/her designee complies with payroll monitoring processes imposed on agreements, and
- (d) Define penalties and sanctions for non-compliance, subject to county board approval, including any combination of the following:
  - a. withholding of payment or imposing monetary penalties in an amount sufficient to pay the wages of all affected employees, or
  - b. termination of agreement, or
  - c. temporary debarment of contractors or subcontractors no less than three years; or
  - d. permanent debarment of

111.04. Contracting Requirements

Employees of shelter workshops, as defined by Wisconsin Chapter 104.01 (6), and Employees under the age of 18; and Employees not performing work under a Milwaukee County service contract, concession, or lease; and Employees not working in a financially assisted economic development project and seasonal employees; and

Volunteers receiving stipends; and Any other category of employee excluded under Wisconsin Chapter 104.

Employees of a contractor, subcontractor, concessionaire or recipient of financial assistance otherwise covered under this chapter where the employer is otherwise subject to the provisions of this chapter and where the employer is otherwise subject to the provisions of this chapter is not an affiliate or subsidiary of another business entity dominant in its field of operation.

Employees of contractors, subcontractors, or a recipient of financial assistance who provide residential services such as Community Based Residential Facilities, Adult Family Homes, Residential Community Apartment Complexes, and Supportive and Independent living.

Employees of a member who receives personal care and supportive home care through a self-directed service program model in Milwaukee County.

The requirements of this section may be modified or waived as regard employees who are covered by a collective bargaining agreement between the employer and a bona fide union, where the parties to such collective bargaining agreement expressly specify their intent in the agreement.

111.04. Contracting Requirements

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Milwaukee County Historical Society, Milwaukee County Federated Library System, Marcus Center, Milwaukee Public Museum, Charles Alis War Museum, Villages, Milwaukee Art Memorial Center, Milwaukee Cultural Museum, and any other cultural organization that receives contributions from Milwaukee County.

(c) Other Units of Government; Economic Development Financial Assistance provided to any school district, municipality or any other governmental or quasi-governmental unit.

(d) Sale of land/assets: Sales of land or real property assets.

(e) Living wage means a minimum hourly wage rate equal to 100% of the poverty income level set forth annually by the U.S. Department of Health and Human Services for a family of four (4) divided by 2,080 hours.

(f) Contractor means a person or an entity that has a service contract, lease, or concession agreement with Milwaukee County covered under this Chapter.

(g) Subcontractor means a person or an entity: (1) Having an agreement or arrangement with a contractor to furnish a service for the benefit of Milwaukee County that would be covered under this chapter; or (2) Having an agreement or arrangement with a contractor to operate on a property that is subject to a lease or concession agreement with Milwaukee County that would be covered under this chapter; or (3) Purchasing or leasing from a recipient of financial assistance, or managing or operating an enterprise employing people on the premises of property developed or improved as a result of financial assistance.

(h) Recipient means a person or entity receiving economic development financial assistance as defined in 111.02 (d) but does not include a person or entity indirectly benefiting from incidental effects or ordinances.

111.04. Contracting Requirements

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agreement between the County or related entity and another party that provides a set of services defined in ACGO 32.20(17), as well as personal care, or supportive home care, to persons with disabilities or the frail elderly by preferred provider.

(1) Service contracts do not include: Purchase of goods or commodities or its delivery; and Equipment lease and maintenance

Professional services contracts with any school district, municipality, or any other governmental unit

Contracts in which State or Federal funds are a prevailing wage requirement

Contracts for Family Care other than preferred provider agencies that exclusively contract with Milwaukee County to provide personal care and supportive home care.

Contracts procured under Milwaukee County Ordinance Chapter 46.

(b) Concession Agreement means an agreement between the County or related entity and another party to allow the organization exclusive or semi-exclusive right to operate a particular enterprise usually making use of some resource of the County or related entity; fees, rent, or percentage of revenues derived from the particular enterprise; airport concessions are included as defined by Milwaukee County Ordinance 42.102(1)(c).

(c) Lease means an agreement between the County or related entity as lessor and another party as lessee to provide exclusive use of real property, a particular asset or resource in exchange for rental payments or a fee, and which involves financial assistance consistent with Wisconsin Chapter 104.001(3). The following leases are exempted: (1) Cultural institutions; Leases with institutions including Milwaukee for the Arts/CAMPAC, Milwaukee