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(ITEM) A resolution/ordinance by Supervisor Lipscomb, to extend, on a temporary basis, employee compensation and other policies to employees holding positions in non-public safety worker certified bargaining units, until the County Board reviews and adopts ordinance amendments addressing these matters, by recommending adoption of the following:

A SUBSTITUTE RESOLUTION/ORDINANCE

WHEREAS, at the time of the consideration of this resolution, several non-public safety worker unions are certified by the Wisconsin Employment Relations Commission as the collective bargaining representatives for collective bargaining units at Milwaukee County; and

WHEREAS, collective bargaining agreements between Milwaukee County and these non-public safety worker unions contained numerous provisions related to compensation, fringe benefits and other matters that are no longer permissible subjects of bargaining under 2011 Wis Act 10; and

WHEREAS, Milwaukee County has enacted some ordinance amendments containing policies related to some compensation and fringe benefits of members holding positions in these units, but Milwaukee County has not yet reviewed and enacted policies with respect to all of the now-prohibited subjects of bargaining addressed by these collective bargaining agreements; and

WHEREAS, this resolution and ordinance is adopted for the sole purpose of avoiding administrative uncertainty and confusion that might exist without its adoption, and is expressly intended to be temporary; and

WHEREAS, the intent of the County Board at the time it enacted Section 17.015 of the Milwaukee County Code of General Ordinances was to preserve, following the potential decertification of American Federation of State, County, and Municipal Employees (AFSCME) as a bargaining agent at Milwaukee County, certain enumerated benefits for employees who held, or are employed in, positions that had been included in the previously certified bargaining unit represented by AFSCME, until those matters could be addressed at a later date; and

WHEREAS, Milwaukee County has administered and applied Section 17.015 of the Milwaukee County Code of General Ordinances since its enactment in a manner consistent with that intent; and

43 WHEREAS, the County Board desires to amend Section 17.015 to clarify its intent
44 concerning the applicability of that section by making that section's language consistent
45 with the similar sections of Chapter 17 set forth below; now, therefore,
46

47 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby adopts
48 Sections 17.013, 17.014, 17.016, 17.017, and 17.018 and amends Section 17.015(2) of
49 the Milwaukee County Code of General Ordinances by adopting the following:
50

51 **AN ORDINANCE**

52 The County Board of Supervisors of the County of Milwaukee does ordain as
53 follows:
54

55 **SECTION 1.** Section 17.013 is created as follows:
56

57 **17.013. Continuation of certain compensation and fringe benefits for employees holding**
58 **positions in the certified bargaining unit of AMCA**

59 (1) Notwithstanding any provision of these ordinances to the contrary, for
60 employees who hold positions within the certified bargaining unit
61 represented by the Association of Milwaukee County Attorneys (AMCA), all
62 provisions of the 2009-11 collective bargaining agreement between AMCA
63 and Milwaukee County are adopted by reference and incorporated herein,
64 except as set forth in the following paragraph, until such time that the County
65 Board of Supervisors and the County Executive can consider other action.
66

67 (2) The following sections of the AMCA 2009-11 collective bargaining
68 agreement are not incorporated herein and are exempted from the provisions
69 of the preceding paragraph:

- 70 (a) 1.01 Recognition
- 71 (b) 1.03 Duration of Agreement
- 72 (c) 2.01(2) Wages; 2.01(1) is not exempted
- 73 (d) 2.06 Employee Health and Dental Benefits
- 74 (e) 3.01 Grievance Procedure
- 75 (f) 3.011 Arbitration Procedure
- 76 (g) 3.012 Selection of Arbitrator
- 77 (h) 3.02 Fair Share Agreement
- 78 (i) 4.01 Entire Agreement
- 79 (j) 4.03 Saving Clause
- 80 (k) 4.04 Collateral Agreements

81
82 **SECTION 2.** Section 17.014 is created as follows:
83

84 **17.014. Continuation of certain compensation and fringe benefits for employees holding**
85 **positions in the certified bargaining unit of IAMAW**

86 (1) Notwithstanding any provision of these ordinances to the contrary, for
87 employees who hold positions within the certified bargaining unit
88 represented by the International Association of Machinists and Aerospace
89 Workers (IAMAW), all provisions of the 2009-11 collective bargaining
90 agreement between IAMAW and Milwaukee County are adopted by
91 reference and incorporated herein, except as set forth in the following
92 paragraph, until such time that the County Board of Supervisors and the
93 County Executive can consider other action.

94
95 (2) The following sections of the IAMAW 2009-11 collective bargaining
96 agreement are not incorporated herein and are exempted from the provisions
97 of the preceding paragraph:

- 98 (a) 1.01 Recognition
- 99 (b) 1.04 Duration of Agreement
- 100 (c) 2.04 Overtime
- 101 (d) 2.10 Employee Health and Dental Benefits
- 102 (e) 2.14 Sick Leave
- 103 (f) 3.06 Fair Share Agreement
- 104 (g) 4.01 Resolution of Disputes
- 105 (h) 4.02 Grievance Procedure
- 106 (i) 4.04 Arbitration Procedure
- 107 (j) 4.05 Disciplinary Suspensions Not Appealable Under S. 63.10
108 Wis. Stats.
- 109 (k) 5.02 Entire Agreement
- 110 (l) 5.03 Saving Clause
- 111 (m) 5.04 Collateral Agreements

112
113 **SECTION 3.** Section 17.015(2) and (3) are amended as follows:

114 (2) Notwithstanding any provision of these ordinances to the contrary, for
115 employees who hold positions that were included within the certified
116 bargaining unit represented by AFSCME as of January 30, 2012, all
117 provisions of the 2007-08 collective bargaining agreement between AFSCME
118 and Milwaukee County are adopted by reference and incorporated herein,
119 except as set forth in the following paragraph, until such time that the County
120 Board of Supervisors and the County Executive can consider other action.

121
122 (3) The following sections of the AFSCME 2007-08 collective bargaining
123 agreement have already been addressed, as noted parenthetically below, by
124 the County Board and County Executive, and therefore, are not incorporated
125 herein and are excepted from the provisions of the preceding paragraph:

- 126
- 127 (a) 2.03 Salary Increment [Milwaukee Code of Ordinances (MCO)
128 17.10]
- 129 (b) 2.04 Overtime (M.C.O. 17.16)

- 130 (c) 2.14 Auto Allowance (M.C.O. 5.06)
131 (d) 2.16 Contribution to Retirement System [M.C.O. Chapter
132 201.24(3.11) Employee Contribution, (3.3) Employee
133 Membership Accounts, (3.5) Refunds, upon severance or
134 death]
135 (e) 2.17(1)(b)(c) and (d), and 2.17(2) Retirement Benefits [M.C.O.
136 Chapter 201.24 (2.18) Normal Retirement Age, (4.1) Normal
137 Retirement, (5.1) Normal Pension]
138 (f) 2.17(8) Sick Allowance Balance on Retirement, upon adoption
139 of resolution 11-20 (M.C.O. 17.184)
140 (g) 2.18 Life Insurance (M.C.O. Chapter 62 Life Insurance)
141 (h) 2.19 Employee Health Insurance [M.C.O. 17.14(7) Milwaukee
142 County Group Health Benefit Program]
143 (i) 2.192 Dental Insurance [M.C.O. 17.14(9) County Dental
144 Benefit Plan]
145 (j) 3.02 Full-Time Representative
146 (k) 3.15 Fair Share Agreement (Wisconsin Act 10 and Act 32, no
147 longer allow for the collection of union dues on bargaining
148 agreements that have expired)
149 (l) 3.16 Voluntary Political Contributions (halted as a result of Act
150 10 and Act 32)
151 (m) 4.01 Resolution of Disputes, 4.02 Grievance Procedure, 4.05
152 Selection of and Appeals to Umpire and 4.06 Disciplinary
153 Suspensions not Appealable under s. 63.10, Wis. Stats. (Civil
154 Service Rules, M.C.O. 17.207 and s. 63.10, Wis. Stats.)
155 (n) 2.11 Temporary Assignments (M.C.O. 17.085)
156 (o) 2.22 Sick Leave
157

158 **SECTION 4.** Section 17.016 is created as follows:
159

160 **17.016. Continuation of certain compensation and fringe benefits for employees holding**
161 **positions in the certified bargaining unit of Trades**

- 162 (1) Notwithstanding any provision of these ordinances to the contrary, for
163 employees who hold positions within the certified bargaining unit
164 represented by the Milwaukee Building and Construction Trades Council
165 AFL-CIO (Trades), all provisions of the 2009-11 collective bargaining
166 agreement between Trades and Milwaukee County are adopted by reference
167 and incorporated herein, except as set forth in the following paragraph, until
168 such time that the County Board of Supervisors and the County Executive
169 can consider other action.
170
171 (2) The following sections of the Trades 2009-11 collective bargaining
172 agreement are not incorporated herein and are exempted from the provisions
173 of the preceding paragraph:

- 174 (a) 1.01 Recognition
- 175 (b) 1.03 Duration of Agreement
- 176 (c) 2.01 Wages
- 177 (d) 2.02 Overtime
- 178 (e) 2.06 Employee Health and Dental Benefits
- 179 (f) 2.09 Sick Leave
- 180 (g) 2.23 Fair Share Agreement
- 181 (h) 2.24 Grievance Procedure
- 182 (i) 2.26 Entire Agreement
- 183 (j) 2.27 Saving Clause
- 184 (k) 2.30 Collateral Agreements

185

186 **SECTION 5.** Section 17.017 is created as follows:

187

188 **17.017. Continuation of certain compensation and fringe benefits for employees holding**
189 **positions in the certified bargaining unit of TEAMCO**

190 (1) Notwithstanding any provision of these ordinances to the contrary, for
191 employees who hold positions within the certified bargaining unit
192 represented by the Technicians, Engineers and Architects of Milwaukee
193 County (TEAMCO), all provisions of the 2009-11 collective bargaining
194 agreement between TEAMCO and Milwaukee County are adopted by
195 reference and incorporated herein, except as set forth in the following
196 paragraph, until such time that the County Board of Supervisors and the
197 County Executive can consider other action.

198

199 (2) The following sections of the TEAMCO 2009-11 collective bargaining
200 agreement are not incorporated herein and are exempted from the provisions
201 of the preceding paragraph:

- 202 (a) 1.01 Recognition
- 203 (b) 1.03 Duration of Agreement
- 204 (c) 2.01 Wages
- 205 (d) 2.02 Overtime
- 206 (e) 2.08 Employee Health Benefits
- 207 (f) 2.08.2 Dental Insurance
- 208 (g) 2.11 Sick Leave
- 209 (h) 4.01 Settlement of Grievances
- 210 (i) 5.02 Entire Agreement
- 211 (j) 5.03 Saving Clause
- 212 (k) 5.04 Collateral Agreements

213

214 **SECTION 6.** Section 17.018 is created as follows:

215

216 **17.018. Continuation of certain compensation and fringe benefits for employees holding**
217 **positions in the certified bargaining unit of FNHP**

218 (1) Notwithstanding any provision of these ordinances to the contrary, for
219 employees who hold positions within the certified bargaining unit
220 represented by the Federation of Nurses and Health Professionals (FNHP), all
221 provisions of the 2009-11 collective bargaining agreement between FNHP
222 and Milwaukee County are adopted by reference and incorporated herein,
223 except as set forth in the following paragraph, until such time that the County
224 Board of Supervisors and the County Executive can consider other action.

225
226 (2) The following sections of the FNHP 2012 collective bargaining agreement
227 are not incorporated herein and are exempted from the provisions of the
228 preceding paragraph:

- 229 (a) 1.01 Recognition
- 230 (b) 1.02(2) Bargaining Unit Defined; 1.02(1) is not exempted
- 231 (c) 1.04 Duration of Agreement
- 232 (d) 1.06 Work of the Bargaining Unit
- 233 (e) 2.01 Wages
- 234 (f) 2.12 Sick Leave
- 235 (g) 2.20 Employees' Health and Dental Benefits
- 236 (h) 4.01 Fair Share Agreement
- 237 (i) 4.02 Grievance Procedure
- 238 (j) 4.03 Selection of Arbitrator
- 239 (k) 5.01 Disciplinary Suspensions
- 240 (l) 5.02 Representation at Disciplinary or Discharge
241 Hearings/Meetings subsection (4) only.
- 242 (m) 6.02 Entire Agreement
- 243 (n) 6.03 Saving Clause
- 244 (o) 6.04 Collateral Agreements

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246 **SECTION 7.** These Ordinances shall be effective upon passage and publication.
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