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A resolution by Supervisor Lipscomb, Sr., requiring the Chief Human Resources Officer, Department of Human Resources, and the Milwaukee County Comptroller to: implement the pay policy in the 2014 Adopted Budget as affirmed in a recent Milwaukee County Circuit Court decision (Case No. 16-CV-2888); reestablish the minimum and maximum pay for pay grades 903E and 904E; create pay grade 905E; and reallocate certain Departmental leadership positions, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the Milwaukee County Board of Supervisors (County Board) approved an amendment to the 2014 Budget requiring the following:

- an adjustment of the 903E executive pay grade table to establish the pay grade as \$98,720 to \$120,613
- the reallocation of the positions of Airport Director, Zoological Director, Chief Information Officer, Parks Director, and Corporation Counsel to pay grade 904E
- the reduction of the pay for any position currently in pay grade 903E to fall within the revised maximum of the new pay grade (Adopted File No. 13-756) (hereafter “executive pay grade amendment”)

; and

WHEREAS, the adjusted minimum and maximum in the 903E pay grade table, and the reallocation of certain positions to pay grade 904E, as established in the executive pay grade amendment, have not been repealed, amended, or superseded by the County Board by resolution, ordinance or subsequent budget amendment, with the exception of County Board-authorized cost of living adjustments, and thus continue to be effective; and

WHEREAS, after the executive pay grade amendment became effective, the Chief Human Resources Officer, Department of Human Resources, under the direction of the Milwaukee County (the County) Executive, reallocated certain unclassified employees to pay grades different from those authorized by the County Board and granted salary increases to certain unclassified employees that resulted in salaries exceeding the maximum of the pay grades authorized by the County Board; and

WHEREAS, the County Board initiated a declaratory judgment action in Circuit Court (the Court) seeking to clarify the County Board’s authority “to provide, fix, or change” the compensation of County employees under Wisconsin State Statutes (State Statutes); and

47 WHEREAS, on April 24, 2017, the Court issued a decision in Case No. 16-CV-
48 2888 upholding the County Board's authority to adopt the executive pay provisions
49 included in the 2014 Budget; and

50

51 WHEREAS, the Court's April 2017 summary judgment decision contained the
52 following conclusions:

53

- 54 • *"2013 Wisconsin Act 14 did not eliminate the Board's authority to provide,*
55 *fix, or change the compensation of employees."*
- 56
- 57 • *"The County Executive vetoed these changes, and the Board overrode the*
58 *veto. To date, the County Executive has not adjusted the salaries of these*
59 *unclassified employees to comply with the Board's reallocation and*
60 *executive pay provision."*
- 61
- 62 • *"...the Board still has the statutory authority to set the salary and*
63 *compensation of county employees pursuant to Wis. Stat. § 59.22(2)."*
- 64
- 65 • *The Board's request for a declaration that it has statutory authority to*
66 *provide for, fix or change the compensation of unclassified County*
67 *employees, including department heads, is **GRANTED**."*
- 68
- 69 • *The County Executive's request for a declaration that the Board exceeded*
70 *its statutory authority with respect to reallocations that were made*
71 *pursuant to MCO § 17.0555(1) is **DENIED**."*

72

73 ; and

74

75 WHEREAS, on May 25, 2017, the County Board adopted File No. 17-452, and
76 on June 1, 2017, overrode the County Executive's veto of that legislation, directing the
77 Chief Human Resources Officer, and the Milwaukee County Comptroller to, among
78 other things, return unclassified employees to salaries that fall within the pay grades
79 authorized by the County Board; and

80

81 WHEREAS, the Court made several observations on June 1, 2017, in denying
82 the County Executive's request to stay the court's April 24, 2017, decision, including:

83

- 84 • *"It's speculative that anyone whose salary will be reduced is going to cut*
85 *and run from Milwaukee County."*
- 86
- 87 • *"I think it's speculative to say that, particularly when you do consider the*
88 *arguments of plaintiff's counsel that we're not just talking about salaries,*
89 *we're talking about benefits that flow from salaries, we're talking about*
90 *pensions that are based on salaries, all of which has a real impact on the*
91 *public interest."*

92

- 93 • *“There is a potential substantial harm, as I’ve indicated, in continuing or*
 94 *perpetuating the status quo that shouldn’t have come into existence in the*
 95 *first instance, and I do find that that there is this potential harm to the*
 96 *public financially in terms of benefits, pensions, et cetera that flow from*
 97 *salaries.”*

98
 99 ; and

100
 101 WHEREAS, the reallocations adopted in the 2014 Budget and as part of Adopted
 102 File No. 17-452 have not yet been effectuated by the Chief Human Resources Officer
 103 and the Milwaukee County Comptroller; and

104
 105 WHEREAS, the County Executive abruptly cancelled a scheduled mediation
 106 session with the Chairman of the County Board with less than 24 hours’ notice that may
 107 have potentially resolved issues related to compensation authority in light of the recent
 108 court ruling; and

109
 110 WHEREAS, the Chief Human Resources Officer reported in File No. 17-460 that
 111 certain employees appointed as Directors per Section 59.17(2)(bm), State Statutes,
 112 were assigned to pay range 904E, not the pay grade authorized by the County Board,
 113 which results in increased costs to the County of more than \$54,000 a year and
 114 potential increased salary costs of more than \$630,000 per year; and

115
 116 WHEREAS, the reallocation of certain positions will help realign the County’s
 117 salary structure with other public officials in the State of Wisconsin; for comparison
 118 purposes a few of these positions are shown in the chart below:

Milwaukee County vs. State Official Salary		
Position	Salary	# of Employees Supervised
State Department of Transportation (DOT) Secretary	\$127,024.48 ¹	3,512.04 ²
County DOT Director	\$134,577.25	462.2
State Department of Administration Secretary	\$100,562.08 ³	939.58 ⁴

¹ http://host.madison.com/wsj/news/local/govt-and-politics/database-wisconsin-state-employee-salaries/html_4f78520c-c995-11e2-90d8-0019bb2963f4.html?appSession=21377371399399456781996081139466038965339857228979380829157583405852888051768863188799423503537996619411460170713630286272294072

² Wisconsin Blue Book 2015–2016 (Ch. 6 pg. 496)

³ http://host.madison.com/wsj/news/local/govt-and-politics/database-wisconsin-state-employee-salaries/html_4f78520c-c995-11e2-90d8-0019bb2963f4.html?appSession=35412742225171642034145742481304590293957023891035004087287797237424994718588081422462136221426416791796256772444442935269820674

⁴ Wisconsin Blue Book 2015–2016 (Ch. 6 pg. 349)

Position	Salary	# of Employees Supervised
County Department of Administrative Services Director	\$134,602.20	248.6
State Department of Human Services Secretary	\$127,531.36 ⁵	6,195.05 ⁶
County Department of Health and Human Services Director (previous incumbent; vacant as of 7/11/17)	\$181,195.26	857.9

119 and;

120

121 WHEREAS, the Committee on Personnel, at its special meeting of July 27, 2017,
122 recommended adoption of File No. 17-569 (vote 5-0); now, therefore,

123

124 BE IT RESOLVED, the Chief Human Resources Officer, Department of Human
125 Resources (DHR), and the Milwaukee County Comptroller shall take all necessary
126 actions to implement the pay grades authorized by the Milwaukee County Board of
127 Supervisors (County Board) in the 2014 Adopted Budget, as adjusted for budgeted
128 cost-of-living increases; and

129

130 BE IT FURTHER RESOLVED, the County Board hereby authorizes the minimum
131 and maximum pay of pay grades 903E and 904E (including the one percent cost-of-
132 living adjustment approved by the County Board in the 2017 Adopted Budget), and
133 creates a new pay grade, 905E, as follows:

134

<u>Pay Grade</u>	<u>Minimum</u>	<u>Maximum</u>
135 903E	\$103,236.60	\$126,111.00
136 904E	\$127,000.00	\$180,000.00
137 905E	\$181,000.00	\$275,000.00

138

139 ; and

140

141 BE IT FURTHER RESOLVED, the County Board hereby reallocates the following
142 positions to pay grade 903E, consistent with the 2014 Adopted Budget:

143

- 144 • Director, Department of Administrative Services (DAS)
- 145 • Director, Department of Transportation
- 146 • Director, Department of Health and Human Services

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⁵ http://host.madison.com/wsj/news/local/govt-and-politics/database-wisconsin-state-employee-salaries/html_4f78520c-c995-11e2-90d8-0019bb2963f4.html?appSession=16868969182760583534811762628796639168991284671721611353839337340285779244442098004037778019501005262836434568159688927638416513

⁶ Wisconsin Blue Book 2015–2016 (Ch. 6 pg. 407)

- 148 • Chief Human Resources Officer, DHR
- 149 • Budget Director, DAS

150
151 ; and

152
153 BE IT FURTHER RESOLVED, the salary for any position assigned to pay grade
154 903E that is higher than the revised maximum pay shown above shall be reduced to fall
155 within the new pay grade and shall not be “red circled” at a higher salary than the pay
156 grade allows; and

157
158 BE IT FURTHER RESOLVED, the County Board hereby reallocates the following
159 positions currently in 904E within the Office of the Medical Examiner to pay grade 905E:

161	<u>Title Code</u>	<u>Title</u>	<u># of Positions</u>
162	11012002	Medical Examiner	1
163	11010003	Deputy Chief Medical Examiner	1
164	11010002	Assistant Medical Examiner	3

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