

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: April 19, 2024
To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors
From: The Office of the County Executive
Subject: From the Office of the County Executive, requesting the County Board waive Chapter 17.085(1)(c) of the Temporary Assignments policy requiring an individual to wait 30 consecutive workdays prior to the increased rate of pay taking effect from the time of the Temporary Assignment to a Higher Classification (TAHC) assignment for the Corporation Counsel position

File Type: Action Report

BACKGROUND

The Office of the County Executive is requesting the Milwaukee County Board of Supervisors waive Chapter 17.085(1)(c) of the Milwaukee County Code of Ordinances regarding the Temporary Assignments policy requiring an individual wait 30 consecutive workdays prior to the increased rate of pay taking effect from the time of the Temporary Assignment to a Higher Classification (TAHC) assignment for the Corporation Counsel position.

POLICY

Chapter 17.085(c) of the Milwaukee County Code of General Ordinances requires an individual appointed into a TAHC, as a department head, wait 30 consecutive days before the pay increase begins. Any request for a waiver from the policy requires County Board approval:

Wisconsin State Statutes:	59.42
Milwaukee County Code of General Ordinances:	17.085

BACKGROUND

Per Wisconsin State Statute 59.42, the duties of the Corporation Counsel position are to:

1. Prosecute and defend all civil actions, proceedings, applications and motions in any court, commission, board, tribunal or body in any jurisdiction of this or other states or of the nation in which the county or any board, commission, committee or officer thereof is interested or a party by virtue of the office; and shall in like manner represent or assist in representing the state, or any commission, board, agency or tribunal of the state, in such civil actions or proceedings when requested to do so by the attorney general or when the district attorney of the county is required by any statute to do so.
2. Give advice to the board, county park commission, county department under s. 46.215 or 46.22 and other departments, boards, commissions, committees, agencies or officers of the county, when requested, in all civil matters in which the county or state is interested or relating to the discharge of the official duties of such departments, boards, commissions, committees, agencies or officers; examine all claims against the county for officers', interpreters', witnesses' and jurors' fees in civil actions and examinations, when presented to the county board of supervisors, and report in writing thereto as to the liability of the county for any and all claims of whatever nature filed against it; and act as legislative counsel for the county board of supervisors when so authorized by it.
3. Serve as legal adviser to the county highway commissioner and county highway

committee, draw all papers required in the performance of their duties and attend to all civil legal matters in and out of court where the commissioner or committee is a party or wherein the acquisition of lands for state or county highway purposes is concerned.

4. Perform all duties in connection with civil matters relating to the county or any agency, board, commission or officer thereof or to the state within the county that are imposed by any statute upon the district attorney of the county and for such purposes the term "district attorney" wherever it appears in the statutes relating to duties of a civil nature shall, with regard to counties containing a population of 750,000 or more, mean the corporation counsel. Opinions of the corporation counsel shall have the same force and effect as opinions of the district attorney except that in matters relating to elections the district attorney shall have the right of review. After May 17, 1957, the district attorney's powers and duties as to civil matters shall cease to the extent that they are conferred upon the corporation counsel and the district attorney shall be relieved of the responsibility of performing such duties. The corporation counsel may request the attorney general to consult and advise with the corporation counsel in the same manner as district attorneys under s. 165.25 (3).
5. Review and countersign all contracts to verify that the contracts comply with all statutes, rules, ordinances, and the county's ethics policy. This subdivision applies only in a county with a population of 750,000 or more.

The Corporation Counsel position is also the department head of the Office of Corporation Counsel's Assistant Corporation Counsel positions and employees that work in the department.

Due to the critical nature of this position, the 30 consecutive day waiting period for the requested compensation adjustment would be difficult due to the level of responsibility and job duties this position is responsible for. Therefore, Office of the County Executive is requesting a waiver of the TAHC policy associated with the 30-day waiting period for compensation so that the position can be filled without a loss of leadership responsibilities.

ALIGNMENT TO STRATEGIC PLAN

Describe how the item aligns to the objectives in the [strategic plan](#):

- 1A: Reflect the full diversity of the County at every level of County government
- 1B: Create and nurture an inclusive culture across County government
- 1C: Increase the number of County contracts awarded to minority and women-owned businesses
- 2A: Determine what, where, and how we deliver services to advance health equity
- 2B: Break down silos across County government to maximize access to and quality of services offered
- 2C: Apply a racial equity lens to all decisions
- 3A: Invest "upstream" to address root causes of health disparities
- 3B: Enhance the County's fiscal health and sustainability
- 3C: Dismantle barriers to diverse and inclusive communities

FISCAL EFFECT

The position is currently vacant and the salary costs of the TAHC will be absorbed by the department and from the savings of the salary from the vacancy.

VIRTUAL MEETING INVITES

MaryJo.Meyers@milwaukeecountywi.gov

Margo.Franklin@milwaukeecountywi.gov

PREPARED BY:

Margo Franklin, Chief Human Resources Officer, Department of Human Resources
Jennifer Mueller, HR Analyst, Department of Human Resources

APPROVED BY:

Margo Franklin, Chief Human Resources Officer, Department of Human Resources

ATTACHMENTS:

Resolution

Fiscal Note

cc: Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk
Mary Jo Meyers, Chief of Staff, Milwaukee County Executive's Office
Margo Franklin, Chief Human Resources Officer, Department of Human Resources
Steve Cady, Research & Policy Director, Office of the Comptroller
Sarah Zaug, HR Manager, Department of Human Resources
Allyson Smith, Committee Coordinator, Office of the County Clerk