

**PROCEEDINGS OF THE BROWN COUNTY**  
**EXECUTIVE COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Executive Committee was held on Monday, July 10, 2017 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Lund, Supervisor Schadewald, Supervisor Van Dyck, Supervisor Erickson, Supervisor Buckley, Supervisor Hoyer, Supervisor Moynihan

**Also Present:** Director of Administration Chad Weinger, Internal Auditor Dan Process, Human Resources Director Kathryn Roellich, Supervisor Brusky, Corporation Counsel Dave Hemery, Jim Rafter, TJ Parins, Jesse Jacques, media and other interested parties

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*\*Audio of this meeting is available by contacting the County Board Office at 920-448-4015*

**I. Call meeting to order.**

The meeting was called to order by Chair Lund at 5:30 pm.

**II. Approve/modify agenda.**

**Motion made by Supervisor Hoyer, seconded by Supervisor Erickson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**III. Approve/modify Minutes of June 12, 2017.**

**Motion made by Supervisor Schadewald, seconded by Supervisor Hoyer to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Comments from the Public – None**

**1. Review Minutes of: None.**

**Legal Bills**

**2. Review and Possible Action on Legal Bills to be paid.**

**Motion made by Supervisor Schadewald, seconded by Supervisor Hoyer to pay. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Communications**

**3. Communication from Supervisor Evans re: To have Corporation Counsel and Human Resources review Chapter 4 and the Employee Handbook Chapter 30.01 as it relates to language for Progressive Discipline and make appropriate suggestions as how to incorporate such language and procedures. *Held for one month.***

Corporation Counsel Dave Hemery and Human Resources Director Kathryn Roellich informed the Committee that language has been drafted for updates to Chapter 4 specific to corrective actions and layoffs and terminations. This draft is included in the agenda packet to be reviewed so it can be put on the agenda for next month's meeting. The current language was provided along with an explanation of the changes and a strike out and addition copy of the proposed changes. Hemery informed there is not anything too controversial with regard to the proposed changes.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Buckley to refer to staff. Vote taken. MOTION CARRIED UNANIMOUSLY**

**4. Communication from Supervisor Ballard re: A resolution in support of 2017 Assembly Bill 292, and Senate Bill 228, relating to the sale of the Green Bay Correctional Institution, construction and lease with an option to purchase a new correctional institution within Brown County. *Referred from June County Board.* Supervisor Brusky thanked the Committee for discussing this item and indicated that Supervisor Ballard was not**

able to attend the meeting as he is currently out of the state; however, Allouez Village President Jim Rafter was here. Brusky passed out a copy of the proposed resolution, a copy of which is attached. The resolution is self-explanatory and basically mimics what was passed by Kewaunee County, with changes made to reflect what is pertinent to Brown County.

Brusky said the Green Bay Correctional Institute (GBCI) is an aging facility which was initially built to be a bicycle factory. The facility is 119 years old and needs a lot of updating and Brusky feels it would cost more to update the building appropriately than to build a new facility. She also said the Sheriff's Department responds to a number of injuries and incidents at the GBCI. This rationale for this resolution is multi-faceted and one of the predominant benefits is that this would benefit both Brown County and the Village of Allouez.

Rafter said the bottom line is that GBCI is an old facility which represents about \$80 - \$100 million dollars of economic development in Brown County as well as a few million dollars of property tax to wherever the new prison will be built. One of the concerns people have is that Representative Steffen is proposing that the new facility be privately owned, but publicly run by the DOC. The reason Representative Steffen is proposing that it be privately owned is because the State knows they have to replace the prison, but there is no desire for bonding or spending \$300 million dollars on it. What Representative Steffen is proposing is that a private developer builds a facility to the specifications of the DOC and then to lease it back from them until such a point where there is an option to either buy or continue leasing. Rafter said people have concerns about this because they do not know if it makes financial sense. Representative Steffen wants this to go out for RFP to sell the prison and build a new one to get actual numbers of what it will cost. There is a kill switch that if it does not make financial sense, the deal does not go anywhere.

Supervisor Van Dyck said he agreed with what Rafter said, but wished the resolution talked about the economic gain to the Village and the County and what could be done by relocating the facility. He has issues when it gets into things like the facility being beyond its depreciable life cycle and some of the things described in the resolution like the leasing of the facility. He feels those things are above and beyond what the County Board's interests are. What the County wants is for the facility to be moved and for the property it is currently on to be developed. How a new facility is built and financed elsewhere is the State's business, not the County's business. If the resolution was re-written to include what the County is looking for such as the increased tax base and those types of things, Van Dyck would be for this, but he is not in favor of the resolution as it is currently written. He did say that he does appreciate that the resolution stated the prison be built in the County, because he knows that Kewaunee County was also looking at putting a proposal forward and from a County perspective, he has difficulty supporting something that would allow jobs to move out of the County as that obviously would have an impact on residents.

With regard to comments made about altercations and incidents at the current facility, Supervisor Buckley asked how that differs from other facilities in the State. He noted there is a human factor and in the prison environment, there will always be issues, no matter where the facility is and whether it is a newer or older facility. Buckley also said the State reimburses the municipalities for the investigations the Sheriff's Department does at the prison and asked Rafter how much the Village gets from the State for GBCI. Rafter responded that the State pays the water bill, but he did not think the State paid for police and fire coverage. Buckley suggested Rafter check on this because he has been given information to the contrary and reiterated that there will be issues in the prison where the Sheriff's Department will need to be involved whether it is a new or old facility. He would also like to see the resolution address what Brown County's purpose and interest in this is.

Rafter addressed Buckley's comments concerning safety and altercations at the prison and said that there are three maximum security prisons in the state and GBCI had over twice as many incidents reported for altercations of prisoner on prisoner and prisoner on staff than the other two combined. He also referenced a recent report that indicated 25% of all incidents relating to prisoners on staff in the entire state are at GBCI and said that age of the facility has a lot to do with that. Rafter also agreed with Van Dyck that language in the resolution regarding the economic gain and benefits to the County would be desirable, but said it was crafted the way it currently is to try to get the people in Madison to realize that this is a much bigger problem than to just Allouez and Brown County.

Supervisor Schadewald said he supports this resolution and would like to see it move forward to the County Board next week.

**Motion made by Supervisor Buckley, seconded by Supervisor Erickson to take Item 9 at this time. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Motion made by Supervisor Schadewald, seconded by Supervisor Hoyer to support this Resolution. Vote taken.  
Ayes: Lund, Buckley, Erickson, Hoyer, Schadewald Abstain: Van Dyck MOTION CARRIED 5 TO 1**

5. **Communication from Supervisor Van Dyck re: Amend the Debt Reduction Infrastructure and Property Tax Ordinance) to include language that clarifies that the ½% sales tax ends as soon as sufficient sales tax funds are collected to pay for identified and approved projects or \$147 million, whichever comes first. *Referred from June County Board.***

Van Dyck said he brought this communication in reaction to some of the conversation that took place at the last County Board meeting where there seemed to be a push to change the resolution to identify what would be done with the excess funds. It seemed that there was a desire to allow any excess funds to be distributed back to the communities and he disagrees with that. There also seemed to be some confusion with regard to what would take place and that was the purpose of this communication. Van Dyck is will to have this received and placed on file, pending that the discussion does not resurface. He feels that as the tax progresses we can keep good track of the funds so we do not get into a situation where there is a large amount of excess funds that we have to do something with.

Schadewald said it is his understanding that we can get monthly reporting of the collection of the sales tax and review it on an ongoing basis at either the Executive Committee or Administration Committee and we should know several months in advance when we have collected the specified amount and can end the tax.

Buckley asked Director of Administration Chad Weininger how long it takes to turn off the tax. Weininger responded that it is his understanding that the tax has to be ended on December 31. Hemery said that to start the tax, the County has to give 120 days' notice, but to end the process is more difficult. There are some exceptions in the Statutes, but what he has been told by the DOJ is that the tax would have to be ended on December 31 of a year because all of the machines need to be adjusted at the same time. This would mean that if the tax is in year five and the County has the funds they need, the tax could be ended at the end of year five. If it would go into year six, the odds are that the tax would have to continue throughout all of year six and be terminated at that end of that year.

Buckley would like to see language that any excess tax would go towards paying off the County's debt because it is not that easy to turn the tax off and it does take some time to get through the process and let all vendors know. He noted that the tax amount could be fulfilled part way through a year and then the tax would have to continue for the remainder of the year which could result in a large excess. Weininger said he would like time to check with the Department of Revenue on the process of ending the tax and bring information back to the next Administration Committee meeting.

Van Dyck said the public was told that when sufficient funds were collected, the tax would be stopped. Now it is being said that even if the funds were all collected at five years and two months, the tax would not end until the end of the year so there would be excess funds and therefore he does not know if his communication is correct in that it does not even sound like what he is suggesting can be done. He feels we need some communication or resolution out there saying what the intention is with regard to any excess funds that are collected. Weininger said that is the reason they will cash flow project everything and if they know that they are far in advance in collections it will give them time to stop the tax. He suggested that this be referred to the next Administration Committee meeting to give him time to gather additional information.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Schadewald to receive and place on file. Motion rescinded**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Schadewald to refer to Administration Committee. Vote taken. MOTION CARRIED UNANIMOUSLY**

6. **An Ordinance to Create Chapter 43 of the Brown County Code of Ordinances Entitled "Property Assessed Clean Energy Financing". *Held for one month and referred back from June County Board.***

**Motion made by Supervisor Erickson, seconded by Supervisor Hoyer to take Items 6 & 7 together. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

Supervisor Erickson noted that this matter has been discussed a number of times. Weininger said there have been some questions with regard to this and he wants to address those. One of the reasons this has been held up is because Supervisor Buckley had some concerns with the triple net leases as well as the special assessments. They have worked through this and he is amenable to modifying the resolution to include language that landlords would have to notify their tenants that they have entered into these agreements. Weininger feels this would be a reasonable change and has spoken with the Counties Association and they are also amenable to these changes and feel that they are reasonable. Buckley acknowledged that Weininger has worked hard to get this figured out.

**Motion made by Supervisor Buckley, seconded by Supervisor Erickson to amend the resolution to include language that any property owner entering into the PACE program notify their tenants of the same. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Motion made by Supervisor Hoyer, seconded by Supervisor Schadewald to approve the Resolution as amended. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Motion made by Supervisor Erickson, seconded by Supervisor Schadewald to approve the Ordinance. Vote taken. MOTION CARRIED UNANIMOUSLY**

7. **Property Assessed Clean Energy (PACE) Resolution. *Held for one month and referred back from June County Board.***

*See action at Item 6 above.*

8. **Resolution re: A Change in Table of Organization for the Department of Administration's Risk Manager, Buyer, and Purchasing Clerk Positions.**

Weininger informed he has been holding the Buyer position open because the budget was a little tight, but that position does need to be filled. There is also an open Administrative Clerk position and in talking with staff Weininger feels it is possible to merge the Admin Clerk and Buyer duties together and eliminate the Admin Clerk position. In addition, he would like to increase the salary for the Risk Manager position by about \$7000. The reason for this is that the Risk Manager position has been open for quite some time. They extended an offer to someone but they turned the position down. They also talked to someone else who also turned the position down. The applicants are looking for roughly \$90,000 - \$100,000.

Van Dyck said he understands combining the Administrative Clerk and Buyer position and does not have a problem with it, but he does not understand a Risk Manager also being in charge of the Purchasing Department. He feels these are two completely different skill sets and he does not understand how the County will find someone to fill this dual role. He feels they may be able to can find someone very good at risk managing who won't know anything about purchasing, or vice versa and for that reason, he is going to vote against this. Weininger responded that in looking for efficiencies over time, these positions were merged. What they are really looking for is a Risk Manager and Weininger said that the Purchasing Department runs well by itself. The purchasing aspect is overseen by the Risk Manager and is basically a matter of following policies and procedures that are outlined in State law and based on best practices. Purchasing does need some oversight, but Weininger said it is very little oversight, whereas they do need someone very strong in Risk Manager. Without having a Risk Manger on staff, there is potential great liability. They are focusing on someone with the Risk Manager background who can also look at the purchasing duties, but he reiterated that those functions are fairly non-complex and outlined in the ordinances and policies.

Schadewald was of the impression that what Weininger was looking for is a Risk Manager. Weininger said what he is asking for in this resolution is merging the Admin Clerk and the Buyer together which is not really changing

anything, but right now he cannot find someone at the dollar amount currently allocated to hire for the Risk position that would also oversee Purchasing. He is saying that with the \$45,000+ savings from combining the Buyer and Admin Clerk position, he would like to add a little piece of that to the salary for the Risk Manager so he can offer someone an amount that will result in the position being filled.

Erickson asked what the Risk Manager does. Weininger responded that the job of the Risk Manager is to oversee the County's risk and liability. Erickson recalled seeing the former Risk Manager's name associated with the Elfe – Welsing situation. Weininger explained that part of the grievance procedure is to have an independent party review the grievance and that is why the Risk Manager heard the grievance. Erickson said that he would be cautious about having the Risk Manager review grievances. The grievance procedure was discussed further but it was noted that grievance procedures were not the subject of this Item.

Van Dyck noted that the Risk Manager position is to manage risk, not people. He feels if the person they hire has anything to do with purchasing, "purchasing" should be somewhere in the job title, such as Risk and Purchasing Manager to identify that the person also has something to do with purchasing. Weininger will talk to HR about this but noted that the purchasing duties are included in the job description. Buckley noted he was glad to see administration combining some positions and said he would like to see more of that where possible.

**Motion made by Supervisor Schadewald, seconded by Supervisor Hoyer to approve the change. Vote taken.**

**MOTION CARRIED UNANIMOUSLY**

**9. Resolution Supporting 2017 Assembly Bill 292 & 2017 Senate Bill 228, Regarding the Sale of the Green Bay Correctional Institution.**

*See action at Item 4 above.*

**Standing Item**

**10. Discussion of 2.12 of the County Code of Ordinances: The duties and responsibilities of the EXECUTIVE COMMITTEE.**

**Motion made by Supervisor Schadewald, seconded by Supervisor Buckley to hold for one month. Vote taken.**

**MOTION CARRIED UNANIMOUSLY**

**Reports**

**11. Internal Auditor Report**

**a) Request For Proposal (RFP) – Auditing Services (Project #2159).**

Internal Auditor Dan Process recalled that he indicated last month that an RFP will be going out for auditing services. The proposed RFP was included in the agenda packet. Process said the initial contract would be for three years with two optional extensions.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to approve the RFP as presented. Vote taken. MOTION CARRIED UNANIMOUSLY**

**b) Board of Supervisors Budget Status Financial Reports – May 2017 (Unaudited).**

Process said one of the initiatives of the County Board Office for 2017 was tablets for the Supervisors. A number of tablets were purchased in 2016 and Administration Committee and Executive Committee had the option to have use of the tablets and Process feels this should be discussed to see if this initiative should be expanded. Lund suggested that Process talk to Chair Moynihan about this since the funds fall under the County Board budget. Lund also suggested that any Supervisors who currently have the tablets let Moynihan know how they like using them because he feels that there could be savings realized by having everyone use the tablets.

**Motion made by Supervisor Buckley, seconded by Supervisor Schadewald to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

c) **Status Update: June 1 – June 30, 2017.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Schadewald to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**12. Human Resources Report**

a) **Discussion re: Electrician's Pay.**

Lund informed that he had been contacted by the electricians who asked that this be included on the agenda. He referred this to the HR Director to find out what can be discussed regarding this. Roellich informed that according to State Statues 111.70, the County is only allowed to engage in base wage bargaining which they have done with the electricians. The County Board can do additional compensation such as a market adjustment, bonus, merit pay, performance pay or supplemental compensation outside of the bargaining unit and agreement without going to referendum. She provided a language from the Statutes regarding this, a copy of which is attached.

Schadewald reminded that because of Act 10 and Wis. Stats. 111.70, the unions cannot be offered in negotiations anything more than the CPIU based on the date of the contract, etc. What we have to consider is that we the County has organized units of workers who deserve the same things the other employees get and we have to develop some mechanism to provide them something that is reasonable to compensate them at the same rate as the other employees. If this is not done there will be diminishing returns in work, enthusiasm and effort.

*Supervisor Moynihan arrived at 6:24 pm.*

Schadewald does not know that this can be figured out tonight, but feels it is something to work on and he is hopeful that the current HR Director stays on and a resolution can be found. The law is very specific on this and he feels that this situation is inequitable and we need to provide a resolution or solution. He does not believe the Board or this Committee wants to be inequitable in compensation.

**Motion made by Supervisor Schadewald, seconded by Supervisor Hoyer to suspend the rules to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY**

-Jesse Jacques

Jacques provided the Committee with a packet of information, a copy of which is attached. He thanked the Committee for allowing him to speak and indicated that the four electricians are in attendance at the meeting. He also wished it noted on the record that communication with HR Director Kathryn Roellich has been very good. He said this has not always been the case and noted that there have been something like 17 HR Directors over the last 16 years and he feels that this may be part of the reason this situation exists.

Jacques said the electricians have accepted CPI and he also represents the Green Bay electricians and School Board electricians, but this situation does not happen with them. They agree on CPI, they meet and confer and then come up with a way to get everyone across the board. He agreed with Supervisor Schadewald in that an easy way to fix this would be to give these people a bonus. There are also other ways to compensate as outlined in Roellich's e-mail. He said there are a number of options that other municipalities use such as bonuses, merit increases, premium pay, pay schedules, automatic pay increases and changing job descriptions, none of which require going to referendum. Jacques feels something was lost on this as a result of lack of communication with former HR Directors. He has dealt with four different HR Directors in the last 1 ½ years. He keeps hearing they get CPI and that is all, but that is not true and he feels the electricians deserve more than that. They do a lot of hard work for the County every day and he said that there is risk in the job. He also noted that all four electricians are master electricians, which is the highest credential an electrician can get. Master electricians in the private sector are making up to \$40 an hour and Jacques does not feel the County could hire electricians for what they currently pay.

Jacques continued that the handout includes a chart with a breakdown of what the pay would be if they got the 1% raise, what they got at the .67% and what the difference is. For the highest paid electrician, it is 11¢. The total cost to implement this would be \$9000. He noted the electricians do work all over the County and they feel under-appreciated and that their questions do not get answered. The handout also contains a copy of the City's

agreement with the International Brotherhood of Electrical Workers for comparison purposes. He noted Article 3 in the City agreement reflects a 2% across the board base wage increase and he said that the School Board does it the same way. Jacques understands that the County needs to be mindful of the budget, but said that these electricians work hard for the County and have families to support. He reiterated that \$9000 is what is needed to fix this. He also noted that due to the revolving door in the HR Department, they waited on their raises for about eight months. The former Interim HR Director directed Jacques to the Administration Committee, but they were then informed that that is not where this should have been brought up, that it needed to come to the Executive Committee, further delaying this. He said any of these guys could find work elsewhere, but they are dedicated to the County and have been here a long time, but they feel like they are not being treated fairly and it is not because Act 10 says they cannot be. There are municipalities all across the State giving across the board raises.

Jacques also pointed out that the four electricians all have the same classification as master electricians, but they are all at different pay rates. Fenlon and Hall have the same job but there is a 3¢ difference in their pay. He realizes that 3¢ is not a huge amount, but everyone should be on an even playing field. Jacques feels this is discriminatory and just because someone is in a labor union does not mean they should be discriminated against. It would be another story if these electricians were not working hard and doing their jobs, but that is not the case.

Supervisor Moynihan said he is trying to understand the wage disparity and asked if it was due to time of service. Roellich explained that Fenlon's position is classified as a journeyman electrician, not a master electrician. She explained to Jacques and Fenlon that in order to get that changed, a table or organization change would have to be initiated by the department head with the oversight committee. With regard to the 3¢ difference, Roellich has looked into that and found it is a result of the rounding and when people started and how they got the increases. Jacques said the issue with Roellich's answer is that the electricians' essential duties and qualifications do not change from master level to journeyman level; they are asked to do the same work. Roellich understood this, but reiterated that there is a process in place to make classification changes and there is not a mechanism to automatically do the progression at this point so it has to follow the process that is available. Roellich is not saying this would be denied or approved; she is just saying that it has to follow the proper procedure. In this case, Fenlon's oversight committee would be Planning, Development and Transportation. Fenlon said that his department head, Paul Fontecchio, looked him right in the eye and told him he would not back him up.

Jacques said Fontecchio did not appear to be willing to listen to any of this and he does not feel that Fontecchio will be any help. He wants to be sure that the Supervisors are aware of the situation and reiterated that Fenlon is being asked to do master level work at journeyman level status.

Van Dyck asked if there would be an option to decertify and then not be held to these levels but be treated like every other non-union employee. Roellich said that they do have that option. Van Dyck asked if there were other groups that are in a similar situation as the electricians that could make the same case. Roellich responded that there is one other bargaining unit and that is at Human Services and she noted that the nurses' union decertified this year. Van Dyck said he does not have a problem looking at this, but as he has said in the last few meetings, he does not want to be looking at these requests for wage adjustments that are being brought outside of the budget for consideration. Several other people in different departments have asked for similar things. Van Dyck is not saying he is not in favor of this, he is not necessarily against what these electricians are saying, it is that this is outside of the budget cycle and we cannot keep doing this month after month after month. These issues need to be dealt with at budget time. If it is a classification issue, that is something that is brought to PD&T to be addressed.

Jacques responded that he agreed with Van Dyck, but the problem is that with the revolving door in HR, they have not been able to get answers from the County on any of this. He agreed that this should be done at budget time, but when they cannot get any answers to what they need they do not have anywhere to go and they missed a lot of time. He reiterated that the communication with Roellich has been better. Jacques said as a taxpayer he feels the same way Van Dyck does and he wants to make sure the County is spending the way they say they are spending, but these electricians did not have that chance. If this could have been brought at budget time it would have been, but that was not possible.

Schadewald said he wanted to make it clear that if the electricians are brought to the 1% and then the CPI is more and there is not enough money, they may not get the CPI. Jacques understands that.

-TJ Parins

Parins informed he represents the Brown County Human Services professional employees. He wanted to address Van Dyck's point and said that they have been trying to negotiate with the County, but the County said previously that they would not negotiate the contract to discuss all this until they recertify. The recertification process for the State starts January 1 and they do not know until the end of April or beginning of May whether the certification goes through or not. They cannot begin negotiations until the certification goes through so when talking about doing this in the budget process, the County would not negotiate at that point. Parins continued that in the past the County has treated employees fairly and they have not singled out two groups of employees to get less of a raise than everyone else. The County has consistently given the represented units the same increase as the rest of the employees and therefore the expectation was that they would negotiate and accept the CPI and then meet and confer to come up with a way to get the same increase, whether it be a bonus or worded in some other way. Parins continued that when a group is represented, they can only negotiate for base wages, but there are other things that the representation does such as help with discipline issues and improvements in the workplace. Parins asked that the Human Services professional employees be treated fairly and like all the other employees and he noted that they are not asking for anything more than that. In addition, they understand that if the CPI is higher, they will be treated like the rest of the employees and they have never asked for more than that.

Parins continued that the Human Services Department has had a lot of turnover and by telling the employees that they are only worth half of what the other employees are getting is sending the wrong message. There are some other issues with regard to the classifications and descriptions. There are social workers who have been employed with the County for many years, but new people are coming in with less experience and getting paid more. There used to be circumstances where these people could get more money, but all of those things have been eliminated. He would like the Supervisors to look into the equities because they are losing good qualified employees because of it.

As far as the electricians and Human Services groups, Parins feels they should be treated like all the rest of the employees. He said they are good, hardworking people and are the front line workers dealing with some of the hardest people in the community and they should be appreciated and compensated. They are not feeling appreciated and do not feel that the job they do is valuable.

Van Dyck asked Schadewald to clarify what he said earlier. Schadewald said he looked up the current chart and as of 6-27-17 the WRC is estimating that those contracts that start on December 1, 2017 are going to get a 1.79 CPIU. In January of 2017, they could only get .67. He said that if the County is looking to create an environment where they want to treat everyone fairly, they have to realize the rules of the game and start playing by them. There are a lot of issues that Act 10 brought up that nobody thought out and this is one of the main culprits. Schadewald said he would prefer to have a policy where the County is fair all the time to all of the employees rather than hooking something on the CPIU on some years, but not other years because the County cannot afford it. Schadewald said that the rule says to go over the CPI, it has to go to referendum. If the CPI is 1.75, the County does not have to give them that. Van Dyck understood that, but feels that if you live by the rule one way, you have to live by it the other way. Parins said that under Act 10, there is no ability to go to arbitration. If the County would say they are not going to give the CPI, it is done. There really is no negotiating party.

Lund felt that this was getting too far into negotiation points and the Committee needs to stick with what can be done tonight. Parins said that all he is asking for is fairness across the board. He and Jacques both thanked the Committee for listening to their concerns

**Motion made by Supervisor Erickson, seconded by Supervisor Buckley to return to regular order of business.**

**Vote taken. MOTION CARRIED UNANIMOUSLY**

Lund said problems will continue to exist unless there is a system of pay progression based on number of years of service to be sure that employees are fairly compensated. He said people need to start thinking about this because you don't want to get to the place where new people have to be hired and trained all the time.



Schadewald felt this should be referred to administration to find out what other units and how many people this affects so that everyone can be treated equally and fair. He said this is one place where government is working for its constituents because we have not had a steady HR department which has resulted in a lot of questions in various areas. He said that this will work out in the end but we need to create some equity in the future and that will be done by the policies and decisions made by the Board. He would prefer to set the policy now before it becomes hypocritical because the CPI is going up. If we are going to tell these employees they can only get the CPI when it is good for us but not when it is bad for us that will create a loss of respect and will not foster a good long term working relationship. Schadewald feels changes can be made for a long-term policy so all employees are treated fairly.

**Motion made by Supervisor Schadewald, seconded by Supervisor Hoyer to refer to Administration and Human Resources to give numbers of how many units and people this affects and bring information back to Executive Committee. Vote taken. MOTION CARRIED UNANIMOUSLY**

Van Dyck agreed with the intent of what Schadewald is saying and said he does not disagree that we have issues that need to be resolved and this is just one of many. He is not disagreeing with what the electricians have brought forward and he sympathizes with the fact that there has not been a consistent HR presence which has caused these issues to go on. However, he fears making decisions in isolation because of the ramifications that those things have as we go forward. In our attempt to fix an inequity today because we haven't had the department or resources to make it right, we react to it and make a decision, and then are stuck with that decision going forward which can cause other problems in other areas or an even greater problem moving forward that was not anticipated. He would prefer to have all of these issues addressed all together so there is total continuity in bringing things forward. Van Dyck realizes this will take more time and patience, but he feels if we give it time, the resources are being put in place to resolve the things correctly for the entire County overall.

Moynihan said he is troubled with the disparity in Mr. Fenlon wages with the others as he does not think this is right. If he is doing the same work as the other three, he questions why he is not being paid the same. Moynihan would like to see this referred to Corporation Counsel to bring a resolution forward at PD&T for a reclass. Schadewald said that the table of organization is for one journeyman and three masters, so the table of organization would have to be changed which needs to be started at the oversight Committee. Van Dyck said that if Fenlon is doing the master level work and if that is the work that he is being required and expected of him, then the manager of the department has to come forward and say that they need four master level electricians rather than three masters and a journeyman and then justify the need to have four master electricians and have the table of organization modified accordingly. He feels the department head needs to be held accountable to justify the fact that the department needs four master electricians where in the past they only needed three. Moynihan said if Fenlon is doing the work of a master by the direction of his superior, he should be classified accordingly. Van Dyck, did not disagree, but said that the department head should be bringing this forward to address. Buckley said that this situation could happen in any department and although he is not saying that this is not deserved, the process for reclassification needs to be followed. Lund referred to the request heard last month from the employee of the Clerk of Courts Office and said that the appropriate process was not followed. If the worker is being assigned the duties of a different position, the department head has to come forward to say that the person is doing duties that fall under a different classification.

Moynihan would like HR to look first and foremost at Fenlon's position. Moynihan said we are talking about human beings and their work product, not budget books and numbers. Moynihan said these numbers are totally unfair and he wants to see it remedied.

Erickson asked who the represented groups are. Roellich said the groups are the supervisory at the Sheriff's Department, the non-supervisory at the Sheriff's Department, Human Services professionals and electricians. The supervisory and non-supervisory at the Sheriff's Department are exempt from the provisions of Sec. 111.70, so only the electricians and Human Services professionals are affected by this. Erickson said he has always supported the union contracts when they come forward. There are negotiators that negotiate the contracts on both sides, so when they come before the Board he makes the assumptions that both sides have agreed on the terms. Erickson invited Fenlon to contact him directly to talk about the disparity in his wages, but Erickson did not think a decision on that could be made at this meeting. Lund agreed that it is a discussion item, but the Committee can take action

by referring the situation. Erickson continued that he has had e-mails from other bargaining unit and during the budget process a 1% raise plus \$400 was agreed upon. He noted that for some of the lower paid positions, the \$400 was a big percentage, but as he told a lot of people, they should not count on these types of increases every year. There are years where employees do not receive any increase. Erickson also talked about the insurance and said that he has been on the Board for 14 years and the insurance seems to be an issue ever year. There are times when the insurance increases more than what the pay increases covered and he gets calls on this because the represented people paid the same insurance but had negotiated raises. It was a vice versa situation than what the electricians are talking about tonight. This seems to be a balancing act that is going back and forth. Erickson concluded by saying this is a budget issue and we cannot open the can of worms right now and he again told Fenlon to contact him directly.

**Motion made by Supervisor Moynihan to forward Mr. Fenlon's position to HR and Corporation Counsel for reclassification of his position to that of employees Braun and Hall and bring forward at the next regular PD&T meeting. Motion failed for lack of second**

**13. Department of Administration Report**

**a) Budget Status Report – Levy Funded Departments as of May 31, 2017.**

*No action taken.*

**14. County Executive Report**

*No report; no action taken.*

**Other**

**15. Such other matters as authorized by law. None.**

**16. Adjourn.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Moynihan to adjourn at 7:20 pm. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary

July 19, 2017

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION SUPPORTING 2017 ASSEMBLY BILL 292 & 2017 SENATE BILL 228,  
REGARDING THE SALE OF THE GREEN BAY CORRECTIONAL INSTITUTION**

**WHEREAS**, the State of Wisconsin (the 'State') has operated the Green Bay Correctional Institution (GBCI) for 119 years, beyond its expected depreciable life cycle; and

**WHEREAS**, it has been estimated that continued operation of the GBCI will require the State to invest an additional \$200 million over the next ten years to bring the GBCI into greater compliance with various national, state and local codes; and

**WHEREAS**, it is critical that the State prudently manage its scarce capital improvement funds and 2017 Assembly Bill 292, and its companion 2017 Senate Bill 228, both put forward a sensible, pragmatic, and cost effective approach to retiring the GBCI while addressing the State's correctional needs; and

**WHEREAS**, 2017 Assembly Bill 292, and its companion 2017 Senate Bill 228, both require the State Department of Administration (the 'DOA') to solicit public bids to sell the GBCI and other specified parcels of land in the Village of Allouez. This bill also requires the DOA to solicit bids for a contract to build per the DOA's specifications and lease to the State, with an option to purchase, a prison facility in Brown County or in an adjacent county to have an occupancy date of no later than November 1, 2022. This bill requires that the facility be managed and staffed by employees of the WI Department of Corrections (the 'DOC'). Under this bill, the DOA must also enter into a lease with the purchaser of the GBCI that will allow the State to continue to use the institution and property until the occupancy date of the new facility. If the State purchases the new facility, then the State will make an annual payment to the municipality

where the facility is located equal to the property taxes paid by the owner of the facility for the last year in which the property was subject to taxation.

**WHEREAS**, the Brown County Board of Supervisors desires to have the new prison facility that will replace the GBCI constructed within its borders.

**NOW, THEREFORE, BE IT RESOLVED** that the Brown County Board of Supervisors supports passage of Assembly Bill 292, and Senate Bill 228, and welcomes the consideration of the County of Brown as the county in which to construct the new prison facility that will replace the GBCI.

**BE IT FURTHER RESOLVED** that the County Clerk shall forward a copy of this Resolution to Brown County Representatives and Senators, as well as Governor Scott Walker, and Secretaries Scott Neitzel (DOA) and Jon Litscher (DOC).

*Fiscal Note: This resolution does not require an appropriation from the General Fund. The cost to carry out the resolution is \$6.44 and can be covered with the department's current budget.*

Respectfully submitted,

EXECUTIVE COMMITTEE

Approved By:

\_\_\_\_\_  
TROY STRECKENBACH  
COUNTY EXECUTIVE

Date Signed: \_\_\_\_\_

Authored by Corporation Counsel

Final draft approved by Corporation Counsel

BOARD OF SUPERVISORS ROLL CALL # \_\_\_\_\_

Motion made by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

SUPERVISORS	DIST.	AYES	NAYS	ABSTAIN	EXCUSED
SIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
LEFEBVRE	6				
ERICKSON	7				
ZIMA	8				
EVANS	9				
VANDER LEEST	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JR	13				

SUPERVISORS	DIST.	AYES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14				
BALLARD	15				
KASTER	16				
VAN DYCK	17				
LINSSEN	18				
KNEISZEL	19				
CLANCY	20				
CAMPBELL	21				
MOYNIHAN, JR.	22				
BLOM	23				
SCHADEWALD	24				
LUND	25				
BECKER	26				

Total Votes Cast \_\_\_\_\_

Motion: Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Tabled \_\_\_\_\_



# Brown County

305 E. WALNUT STREET  
P.O. BOX 23600  
GREEN BAY, WISCONSIN 54305-3600

**David P. Hemery**  
Corporation Counsel

PHONE (920) 448-4006  
FAX (920) 448-4003  
David.Hemery@co.brown.wi.us

## RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

**DATE:** 06-23-2017  
**REQUEST TO:** Executive; and County Board  
**MEETING DATE:** 07-10-2017; and 07-19-2017  
**REQUEST FROM:** David P. Hemery (on behalf of several County Board Supervisors)  
Corporation Counsel

**REQUEST TYPE:** XNew resolution     Revision to resolution  
 New ordinance     Revision to ordinance

**TITLE:** RESOLUTION SUPPORTING 2017 ASSEMBLY BILL 292 & 2017 SENATE BILL 228, REGARDING THE SALE OF THE GREEN BAY CORRECTIONAL INSTITUTION

**ISSUE/BACKGROUND INFORMATION:**  
To Support Two Bills re GBCI

**ACTION REQUESTED:**  
To Approve

**FISCAL IMPACT:**

*NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.*

- 1. Is there a fiscal impact? XYes     No
  - a. If yes, what is the amount of the impact? \$6.44 \_\_\_\_\_
  - b. If part of a bigger project, what is the total amount of the project?  
\$ \_\_\_\_\_
  - c. Is it currently budgeted?  Yes XNo
    - 1. If yes, in which account? \_\_\_\_\_
    - 2. If no, how will the impact be funded? Funds for this nominal amount will be found in the department's budget (not from the general fund)

**XCOPY OF RESOLUTION OR ORDINANCE IS ATTACHED**

**Roellich, Kathryn A.**

---

**From:** Roellich, Kathryn A.  
**Sent:** Wednesday, July 05, 2017 9:52 AM  
**To:** Hall, Mark J.  
**Cc:** Blaylock, Lorrie M.; Jesse Jacques (referral@ibew158.com)  
**Subject:** RE: wages

Mark –

Good morning. After some review and research, the following information should clarify:

- According to State Statutes 111.70 (mb)1, we are only allowed to bargain base wages, no greater than CPI (language below).
- The resolution referenced specifically refers to the additional compensation as a base wage salary adjustment.
- As we have already reached agreement to increase base wages for your bargaining unit by the CPI rate identified by the WERC, we are prohibited, by law, from providing additional base wage adjustments.

*(mb) Prohibited subjects of bargaining; general municipal employees.* The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a general municipal employee with respect to any of the following:

1. Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.

2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any proposal that does any of the following:

a. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

b. If there is a decrease or no change in the consumer price index change, provides for any change in total base wages for authorized positions in the proposed collective bargaining agreement from the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement.

*(mbb)* For purposes of determining compliance with par. (mb), the commission shall provide, upon request, to a municipal employer or to any representative of a collective bargaining unit containing a general municipal employee, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

I hope this information is helpful. Please let me know if you have additional questions or concerns. Thank you.

Kathryn

## County Electricians 2017 Pay Issues

Thank you for taking the time to listen to our issues between Brown County and the Electricians that are employed with Brown County. Please see the issues we feel are extremely important to us.

- 1) The resolution approving new or changes to existing employee benefits during the 2017 budget had a bonus given to the employees, which we did not receive. (Please see attached highlights) The attached list of employees not eligible for the \$400/2080 hours bonus is on the back of the resolution. The electricians at the various departments are not on that list.
- 2) We have accepted the Consumer Price Index (CPI) of .67% due to Act 10 under the current Wisconsin law. We are under a Labor Agreement with Brown County. The part of the law that has been misinterpreted is the fact that ACT 10 allows municipalities the ability to unilaterally implement other pay increases without a referendum. (Please see the attached highlighted document.) We feel this can be accomplished by the Board to pay everyone 1% and the \$400/2080 hour bonus.
- 3) All four (4) of the current electricians hold a valid up to date Wisconsin Masters License. All four (4) of them currently have different pay rates. (Please see the chart below.)

Employee Name	2016 Pay Rate	1% Raise	.67% Raise	Difference
Ken VanDenBusch	\$31.50/hr.	\$.32	\$.21	\$.11
Pat Fenlon	\$26.30/hr.	\$.26	\$.18	\$.08
Pete Braun	\$30.85/hr.	\$.31	\$.21	\$.10
Mark Hall	\$30.88/hr.	\$.31	\$.21	\$.10
			Total	\$.39

- 4) The cost breakdown for the four (4) employees if they were paid the same as all of the other employees would be as follows:  
 $\$400/2080 \text{ hours} = \$.1932/ \text{hour}$   
 $\$.1932 \times 4 \text{ employees} = \$.7692/ \text{hour}$   
 $2080 \text{ hours} \times 4 \text{ employees} = 8320 \text{ total hours}$   
 $8320 \text{ hours} \times \$.7692/ \text{hour} = \$6399.74$   
 This was given to all employees except those not on the excluded list. We were not part of the excluded list.

The difference between the 1% raise and the .67% raise is \$.39 (see chart above).  
 $\$.39/\text{hour} \times 8320 \text{ total hours} = \$3244.80$

$\$6399.74 \text{ Bonus} + \$3244.80 \text{ difference in raise} = \$9644.54 \text{ Total cost}$



(Updated by County Board of Supervisors on November 2, 2016)  
(Revised at Admin Committee on October 5, 2016)  
(Revised at Executive Committee on October 24, 2016)  
(Updated by Human Resources on October 25, 2016)

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION APPROVING NEW OR CHANGES TO EXISTING  
EMPLOYEE BENEFITS DURING THE 2017 BUDGET PROCESS**

WHEREAS, the Brown County Executive submits a proposed budget to the Brown County Board of Supervisors for their consideration each year; and,

WHEREAS, this resolution reflects the changes to Brown County employee benefits contained in the 2017 budget.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors, the following changes to the employee benefits requested through the 2017 budget process to be effective January 1, 2017; and,

BE IT FURTHER RESOLVED, premium contributions will be ~~17% for all covered employees.~~ weighted per the chart below for all covered employees. The premium rate will be based upon the individual Personal Health Assessment Score, subject to non-participants having the option to test prior to the benefit year starting; and,

Personal Health Assessment (PHA) Level and Points	Percent Paid of Total Cost	Coverage	Amount per Month
Non-Participant	25%	Single / Family	\$122.66 / \$326.40
Tobacco User	20%	Single / Family	\$98.12 / \$261.12
Standard (60 Points and below)	13%	Single / Family	\$63.78 / \$169.74
Bronze 61 – 70 Points	12%	Single / Family	\$58.88 / \$156.68
Silver 71 – 85 Points	11.5%	Single / Family	\$56.42 / \$150.14
Gold 86 – 100 Points	11%	Single / Family	\$53.96 / \$143.62

~~BE IT FURTHER RESOLVED, the Health Reimbursement Account (HRA) contributions will be reduced by 50% for all covered employees. Contributions will continue to be based upon the Personal Health Assessment (PHA) result.~~

<del>PHA Level and Points</del>	<del>HRA % County Contribution</del>	<del>County Contribution Amounts Single/Family</del>
<del>Non-Participant</del>	<del>0%</del>	<del>\$0</del>
<del>Tobacco User</del>	<del>20%</del>	<del>\$105/\$210</del>
<del>Standard &lt; 60 Points</del>	<del>40%</del>	<del>\$210/\$420</del>
<del>Bronze 61 - 70 Points</del>	<del>60%</del>	<del>\$315/\$630</del>
<del>Silver 71 - 85 Points</del>	<del>80%</del>	<del>\$420/\$840</del>
<del>Gold 86 - 100 Points</del>	<del>100%</del>	<del>\$525/\$1,050</del>

~~BE IT FURTHER RESOLVED, employees wishing to improve their PHA Score will be outcome based, requiring employees to retest to validate the change in their Points and Funding levels. Scores will be retroactive back to the beginning of the year, for both improvements, and declines in the new results.~~

BE IT FURTHER RESOLVED, employees wishing to improve their PHA Score will be outcome based, requiring employees to retest to validate the change in their points and premium levels. If employees think they are unable to meet a standard for a reward under this wellness program, they may qualify for an opportunity to earn the same reward by a different means Reasonable Alternative Standard (RAS). Improvements will be retroactive to the beginning of the year for the employee premium; and,

BE IT FURTHER RESOLVED, the Health Reimbursement Account (HRA) Contributions and HRA Wellness Contributions will be reduced by 100%; and,

~~BE IT FURTHER RESOLVED, HRA dollars may no longer be utilized for 213d eligible expenses. The HRA dollars may only be utilized to meet deductibles, co-insurance payments, and co-pays. HRA funds in excess of the single/family deductible on December 31 of the benefit year, will be forfeited and will no longer be rolled over into the following benefit year, or into a VEBA.~~

~~BE IT FURTHER RESOLVED, employees who terminate employment with Brown County will have 90 days to submit claims for services received prior to their termination date. After 90 days, funds will return to the county's General Health Fund.~~

BE IT FURTHER RESOLVED, employees who terminate employment with Brown County who have a HRA balance, will have 90 days to submit claims for services received prior to their termination date. After 90 days, unused balances will return to the county's General Health and Dental Fund. Employees who retire will continue to have two years to spend down their available balance; and,

~~BE IT FURTHER RESOLVED, the county's administrator for the Voluntary Employee Beneficiary Association (VEBA), will change from Brown County to the individual employee account holders. Employees who have a VEBA account will pay their own monthly administrative fees.~~

BE IT FURTHER RESOLVED, the payment of administration fees for the Voluntary Employee Beneficiary Association (VEBA), will change from Brown County to the individual employee account holders. Employees who have a VEBA account will pay their own monthly administrative fees through an automatic deduction from their account; and,

~~BE IT FURTHER RESOLVED, Long Term Disability Payments will reduce to 60% of a person's salary up to \$5,000 monthly, and will now end at the Social Security Normal Retirement Age (65).~~

BE IT FURTHER RESOLVED, Long Term Disability Payments will reduce to 60% of a person's salary up to \$5,000 monthly, and will now end at the individual's Social Security Normal Retirement Age; and,

~~BE IT FURTHER RESOLVED, retiree premiums will be increased to cover the loss that group has incurred from the prior year.~~

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BE IT FURTHER RESOLVED, retiree health insurance premiums will be increased to cover the projected loss for the retiree cost pool for the calendar year 2016; and,

\*BE IT FURTHER RESOLVED, retiree health insurance premiums will be increased to cover the projected loss for the retiree cost pool for the calendar year 2016; and, the Human Resources Director will work out a policy to allow employees with banked sick time be reimbursed for credible insurance or paid out at time of retirement. This would take effect upon ratification;

BE IT FURTHER RESOLVED, the county's third party administrator for Workman's Compensation claims will switch from Willis of Wisconsin to Wisconsin Municipal Mutual Insurance Company; and,

BE IT FURTHER RESOLVED, the county will switch its Pharmacy Plan Benefit Manager to RX Benefits Express Scripts; and,

~~BE IT FURTHER RESOLVED, all employees will receive a one percent (1%) performance-based pay bonus.~~

BE IT FURTHER RESOLVED, employees will be eligible receive a one percent (1%) base wage salary adjustment as of January 1, 2017 for up to a one percent (1%) performance based pay bonus to be paid out at the end of year; \*and, a (\$400/2080 hours) for all employees, excluding the attached list; and,

BE IT FURTHER RESOLVED, the vendors named on the attached spreadsheet are the current vendors approved for the 2017 Benefits.

*Budget Impact: There is no projected property tax levy impact in the proposed changes in the 2017 budget.*

Respectfully submitted,  
ADMINISTRATION COMMITTEE &  
EXECUTIVE COMMITTEE

\*As Amended by Brown County Board of Supervisors, 11/02/2016.

Approved By:

Partial Veto/Refused to Sign by County Executive 11/10/16  
TROY STRECKENBACH  
COUNTY EXECUTIVE

Date Signed: \_\_\_\_\_

Authored by Human Resources

Approved by Corporation Counsel's Office

\*Veto overridden by County Board at special Veto Session on 11/14/16.

BOARD OF SUPERVISORS ROLL CALL # \_\_\_\_\_

Motion made by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
STIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
LEFEBVRE	6				
ERICKSON	7				
ZIMA	8				
EVANS	9				
VANDER LEEST	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JR	13				

SUPERVISORS	DIST. #	AY ES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14				
BALLARD	15				
KASTER	16				
VAN DYCK	17				
LINSSEN	18				
KNEISZEL	19				
CLANCY	20				
CAMPBELL	21				
MOYNIHAN, JR.	22				
BLOM	23				
SCHADEWALD	24				
LUND	25				
BECKER	26				

Total Votes Cast \_\_\_\_\_

Motion: Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Tabled \_\_\_\_\_

*Handwritten mark*

Comp and class pay Increase excluded employees			
Administration	LTE-Public Information Officer		1
Circuit Courts	LTE - bailiffs		15
Clerk of Courts	LTE - Emergency help, clerk/typists		3
Community Programs	Psychiatrist		2
Community Treatment Center	Clinical Director		1
Community Treatment Center	Adult Psychiatrist		1
Community Treatment Center	LTE - Co-op/student intern		2
Community Treatment Center	LTE - Nurse practitioner		2
Community Treatment Center	On-call dietician		3
County Clerk	LTE - Election help canvasser		2
District Attorney	LTE - Co-op intern and/or emergency help		6
Golf Course	LTE - Summer or seasonal		13
Human Resources	LTE - Extra help		1
Medical Examiners	Medical examiner investigators		8
NEW Zoo	LTE - Concessionaire Supervisor		11
NEW Zoo	LTE - Concessionaire 1		24
NEW Zoo	LTE - Husbandry Assistant		4
NEW Zoo	LTE - Zoo Educator		1
NEW Zoo	LTE - Seasonal maintenance worker		1
Parks & Adventure Park	LTE - Emergency help, multiple job titles		44
Planning and Land Services	LTE - Co-op/student intern		1
Port & Resource Recovery	LTE - Co-op/student intern		2
Public Works - Facilities	LTE - Summer help		2
Public Works - Highway	LTE - Highway maintenance worker		1
Public Works - Highway	LTE - Summer employee		15
Sheriff	LTE - Court security		7
Sheriff	LTE - Crime Analyst		1
Technical Services	LTE - Co-op/student intern		1
Treasurer	LTE - Tax collection help		6
UW Extension	LTE - Emergency help, multiple positions		10
Total			195
Departments with separate calculations			
Aging & Disability Resource Center		Already included in their budget	
Library	Not included in Class & Comp plan	Separate calculation	
Sheriff	Sworn officers	Separate calculation	
Sheriff	Correctional officers (in steps)	Separate calculation	
Syble Hopp	Not included in Class & Comp plan	Already included in their budget	
Elected officials -- salary cannot be changed while in office			
Clerk of Courts	Elected officials		1
County Board	Elected officials		26
County Clerk	Elected officials		1
County Executive	Elected officials		1
Register of Deeds	Elected officials		1
Sheriff	Elected officials		1
Treasurer	Elected officials		1

ing equal employment opportunities and may in fact be illegal where the employer has established an affirmative action program.

**2.** Does a municipal employer have to offer compensatory time in lieu of overtime to employees and, conversely, does a municipal employee have to agree to accept comp time in lieu of overtime?

No. The Fair Labor Standards Act (FLSA) gives local governments additional flexibility that private employers do not have by giving local governments the option of using compensatory time instead of paying overtime. However, there are certain requirements that must be met with regard to the use of comp time. First, both the employer and the employee must agree that compensatory time may be substituted for overtime pay although a local government can require the acceptance of compensatory time as a condition of employment. Second, compensatory time, like overtime, must be awarded at time-and-a-half for actual hours worked in excess of 40 in a week.

**3.** What restrictions govern the employment of minors?

Municipal employers that hire minors must be aware of restrictions governing child labor. Restrictions govern the age a minor must be to work, the specific hours and number of hours minors can work, and also the kind of work which minors can be asked to perform. With limited exceptions, before a minor under 18 years is permitted to work, the employer must have a work permit on file. If a minor pays the work permit fee to the permit office, the employer must reimburse the minor for that expense not later than

the first pay check. Wis. Admin. Code DWD 270.05(1) and (3)(e).

Minors must be at least 14 years old to be employed in most jobs. However, minors who are at least 12 years old may work in agriculture, street trades jobs such as delivering newspapers, school lunch programs and as football sideline officials, ball monitors and golf caddies. Statutes and administrative regulations regulate the hours that minors can work and the total number of hours that minors can work in a given week. These hours vary depending on whether school is in session. To a large extent, with the exception of employment relating to school programs, minors may not be employed or permitted to work during hours that minors are required to attend school unless the minor has completed high school. Sec. 103.67(1), and Wis. Admin. Code DWD 270.11.

Certain types of employment are deemed too hazardous for minors. See Wis. Admin. Code DWD 270.12. For example, minors under the age of 16 are prohibited from operating power-driven machinery including lawn and garden equipment and sidewalk-type snow blowers. Minors 16 and 17 years of age may be employed as lifeguards and swimming instructors and aides if they have successfully completed a bona fide life saving course.

For further information about child labor, contact the Wisconsin Department of Workforce Development's Equal Rights Division.

**4.** Does Wisconsin law provide a local government employer with immunity for employment references?

Yes. Wisconsin law provides that when an employer, including a municipal

employer, provides an employment reference to a prospective employer at the request of an employee or the prospective employer, the employer is presumed to be acting in good faith and is immune from all civil liability that may result from providing that reference. Wis. Stat. sec. 895.487. However, the immunity may be lost if it is shown by clear and convincing evidence that the employer did not act in good faith when providing the reference. Lack of good faith may be shown through evidence that the employer:

1. knowingly provided false information in the reference;
2. made the reference maliciously, or;
3. made the reference in retaliation for the employee exercising certain statutory employment rights. Wis. Stat. sec. 895.487(2).

**5.** Are municipalities and represented general municipal employees limited to collectively bargaining on total base wage increases at or below the consumer price index (CPI) only?

Yes. 2011 Wisconsin Act 10 limits increases to total base wages that may be bargained by local governments. Under Act 10, if a local government agrees to increase total base wages by a percentage that exceeds the CPI change, the governing body must adopt a resolution specifying the amount by which the total base wages increase will exceed the CPI limit. The resolution may not take effect unless it is approved in a referendum. The referendum must occur in November for collective bargaining agreements

*Legal FAQs  
continued on page 60*

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## LEGAL FAQs

Legal FAQs  
from page 60

that begin the following January 1. The results of a referendum apply only to the total base wages in the next collective bargaining agreement.

It is important to note, however, that Act 10 allows local governments to unilaterally implement other compensation measures or policies such as performance bonuses, merit increases, premium pay, pay schedules, automatic pay progressions, and supplemental compensation for general municipal employees without the need to go to a referendum. In essence, under the bill represented employees are treated the same as non-represented employees regarding "other compensation" (com-

pensation other than base wages). Local governments will have discretion over how much or how little to award as "other compensation" to general municipal employees. Moreover, local governments may award different levels of "other compensation" to employees based upon the performance of the employee or any other measure the employer deems relevant.

6. Are local governments subject to Occupational Safety and Health Administration (OSHA) regulations?

No, but local governments are subject to state regulations which are at least as stringent as OSHA regulations. Although OSHA governs the private sec-

tor and federal agencies in Wisconsin, OSHA does not have jurisdiction over the state or local governments because the definition of "employer" under the OSHA Act of 1970 specifically excludes states and any political subdivision of a state. Instead, the State of Wisconsin has jurisdiction and Wis. Stat. sec. 101.055(3)(a) requires that the Department of Safety and Professional Services adopt, by administrative rule, standards to protect the safety and health of public employees. These standards must provide protection at least equal to that provided to private sector employees under OSHA standards.

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12



Agreement Between

City of Green Bay

And

City of Green Bay  
International Brotherhood of Electrical Workers  
Local No. 158

(Department of Public Works  
Electrical Division)

2017

12

Agreement Between

City of Green Bay

And

International Brotherhood of Electrical Workers

Local No. 158

**2017**

**AGREEMENT**

This Agreement has been made and entered into between the City of Green Bay, hereinafter referred to as the "City" and Local 158, International Brotherhood of Electrical Workers, hereinafter referred to as the "Union".

ARTICLE 1  
RECOGNITION

The City agrees to recognize representatives of Local 158, IBEW, as the exclusive bargaining agent for all issues specifically addressed in this Agreement, for all its employees in the Department of Public Works as defined in the certification issued by the Wisconsin Employment Relations Board on August 13, 1964.

ARTICLE 2  
TERM OF AGREEMENT

This Agreement will become effective as of January 1, 2017 and remain in full force and effect up to and including December 31, 2017.

ARTICLE 3  
BASE WAGE INCREASE

The current salary schedule will reflect a 2% across the board base wage increase effective with the first day of the pay period in which October 1, 2017 occurs.

Effective on the first day of the pay period in which December 1, 2017 occurs, the new City Pay Plan will become effective. Implementation of the new pay plan will be in accordance with the procedures approved by the City Council.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement, approved by IBEW Local 158 on \_\_\_\_\_ and by the City Council on \_\_\_\_\_.

**City of Green Bay**

**Local 158, International Brotherhood of Electrical Workers**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Business Manager, Local 158

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
City Clerk

International Brotherhood of Electrical Workers  
Local No. 158

**2016-2017 WAGE SCHEDULE**

International Brotherhood of Electrical Workers Local No. 158								
POSITION	Effective October 1, 2016				Effective October 1, 2017			
	Start	Start of Year 8	Start of Year 12	Start of Year 16	Start	Start of Year 8	Start of Year 12	Start of Year 16
Leadworker	\$32.32	\$32.45	\$32.58	\$32.66	\$32.97	\$33.10	\$33.23	\$33.31
Electrician II	\$31.55	\$31.67	\$31.82	\$31.91	\$32.18	\$32.30	\$32.46	\$32.55
Electrician I	\$31.05	\$31.15	\$31.33	\$31.42	\$31.67	\$31.77	\$31.96	\$32.05

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International Brotherhood of Electrical Workers  
Local No. 158  
**CITY PAY PLAN**

Effective on the first day of the pay period in which December 1, 2017 occurs

Placement on a step of the new schedule is in accordance with the procedures approved by the City Council for placing employees on a step of the new City Pay Plan.

<b>CLASSIFICATIONS IN ACCORDANCE WITH CITY PAY PLAN</b>	
<b>December 1, 2017</b>	
Pay Grade: J + Electrician Foreperson	Pay Grade: I + Electrician

<b>WAGES IN ACCORDANCE WITH CITY PAY PLAN</b>								
<b>December 1, 2017</b>								
Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Performance Range
J	\$27.40	\$28.20	\$29.01	\$29.81	\$30.62	\$31.42	\$32.23	\$32.24 - \$37.06
I	\$25.35	\$26.09	\$26.84	\$27.58	\$28.33	\$29.07	\$29.82	\$29.83 - \$34.29

**The Following Guidelines Are For Informational Purposes And Not Subject To Bargaining**

- **STEP PROGRESSION:** Employees are eligible for an annual step increase, unless otherwise agreed to by the Department Head and Human Resources Director, until they reach Step 7 of the appropriate pay grade, provided the employee's overall performance is rated at meets expectations or higher. Requests for a step increase must be accompanied by a written performance review and recommendation by Department Head or designee.
- Employees hired at Step 1 will be eligible for a step increase after 6-months of employment and thereafter will be eligible for annual increases. Employees hired at Step 2 or higher will be eligible for a step increase after 12-months of employment. All requests for a step increase must be accompanied by a written performance review and recommendation by Department Head or designee.
- **PERFORMANCE INCREASES:** Once an employee reaches Step 7 of the appropriate pay grade, the employee is eligible for a 1% annual increase to the maximum of the range based on the following criteria.
  - a. Performance rated overall as 'Meets Expectations'.
  - b. Other arrangements between Employee, Department Head and Human Resources Director.

Requests for a performance range increase must be accompanied by a written performance review and recommendation by Department Head or designee.