

Ad Hoc Transition Committee Meeting Minutes
July 18, 2011, 9:30 a.m.

Meeting called to order by Chairman, Miller at 9:40 a.m. Present, Croke, Cohen, Sumpter, Ward, Stuchlak, West and Johnson. Also present, Kotlowski, Kaye, Larson, Price, Barnes and Wellumson.

Motioned by Stuchlak/Croke to approve the agenda. Motion carried by unanimous voice vote.

Borowski handed out a draft employee memo. Borowski explained the Department of Administration changed its ruling on Wisconsin Retirement Contributions on Friday. The ruling is unclear. The committee read and reviewed the memo. Ward recommended changes to the memo. The committee collectively agreed to change:

- I to we, in paragraphs 1, 2, 3, 4, 5, and the last paragraph of the page 3
- me, and I to Cindy in the second to last paragraph
- September 1, 2011 to August 13 on the second page
- the third paragraph by striking the second sentence and,
- sincerely Cindy Phillippi, County Clerk to sincerely Bill Miller, Ad Hoc Transition Committee Chair.

Motioned by Stuchlak/West to implement Wisconsin Retirement withholding on the August 19th payroll period for non-represented employees. Motion carried by unanimous voice vote.

Motioned by Sumpter/Stuchlak to accept the letter as amended and send out. Motion carried by unanimous voice vote.

Borowski provided hand outs to the committee related to the grievance procedure. Sumpter reminded the committee of the September 13th deadline in order to get the grievance in the county board packet and approved by the Oct 1, 2011 deadline.

Grievance Procedure

Look at discipline/termination

Discretion to manage: department heads/supervisors/employees

Just cause/progressive discipline

Provide employees protection

1. Document misconduct (termination any/no reason – look at Wisconsin law)
 - a. We want to communicate to the employee.
2. Pregrievance process – outside of grievance procedure
 - 1st before
 - Rights/ability to challenge
 - Investigate/document
 - 2 tier process – claims avoidance

2nd opportunity = next tier subject to grievance – 3rd party could be committee/Administrative Coordinator/Corporation Counsel – someone to hear the employees side of the story to create a check before action

Best Human Resource Practices – very important to keep concepts in mind

Everyone agrees to go with a 2 tier module
Who has the right to grieve?

Full-time
Part-time meeting below criteria

Identify probationary period of 6 months. Interchange the word probationary period with orientation period – be exempt from the use of – no probationary period.

Established employee is transferred from one department to another – past the 6 months? Change position whether it is a promotion or lateral move.

Any 6 month probation period can be grieved.

510 hours = 6 months for a regular part-time employee
6 month probation period anyone can grieve

Exclude LTES, Contracted, others

Barnes left at 10:45 a.m.

Skip workplace safety to the next meeting
Conditions/not the event
Precondition – employee report
County time to correct

What is grievable?

Discipline verbal/performance evaluation/written warnings – How far do we want to extend the ability to grieve? What do we want to allow them to grieve?

Discipline – loss of pay – yes
Discipline - Verbal - no

Discipline is not defined as benefit adjustments, performance improvements, layoffs, retirement.
Employee Discipline actions that may be excluded include:

- termination, layoffs or workforce reduction activities
- adverse employment actions other than a disciplinary suspension, disciplinary reduction in base pay, disciplinary demotion or disciplinary reduction in rank
- administrative suspension with or without pay pending investigation of misconduct or nonperformance

- non-disciplinary wage, benefit or salary adjustments

Termination actions excluded:

- layoffs
- workforce reduction activities job transfers or demotions
- action taken as a result of an employee's failure to meet the qualifications of the position
- voluntary termination including, without limitation, quitting and resignation;
- job abandonment
- end of employment due to disability
- retirement
- contract non-renewal under s. 118.22 and s. 118.24
- action taken pursuant to an ordinance created under s. 19.59 (1m)
- death or
- end of employment and/or completion of assignment of temporary, contract or part-time employees

Who is the impartial hearing officer? Who pays the cost associated the employee/county?

Demotion verses discipline – Is it misconduct or performance?

The cost associated will be split 50% for any grievance i.e., discipline/reductions in wages but only up to termination.

Larson/Kotlowski left at 11:20 a.m.

Recess: Motioned by Stuchlak/Sumpter to recess for 5 minutes at 11:25 a.m. Motion carried by unanimous voice vote.

Reconvene: Called back to order at 11:37 a.m. Present, Miller, Cohen, Croke, Johnson, Ward, Sumpter, and Stuchlak. Excused, West.

Burden of proof, employee must prove the county is wrong. The employee must clearly indicate why the county is wrong.

Can the Impartial Hearing officer overturn a decision?

Abuse of discretion

Preponderance supports department head

Who has the burden of proof? The employee and it must be clear and convincing evidence.

Johnson/Stuchlak excused at 11:45 a.m.

Grievance must be in writing- yes

Borowski will have a draft grievance form available for the next meeting. It is suggested that upon an event that would be deemed grievable, the form would be handed to the employee immediately. This will make the employee aware of his/her rights.

What is in the form?

- What? i.e. were you suspended for
- Who?
- How?
- Why? i.e. is the county wrong
- Witness?
 - To be as detailed as possible
 - Documents need to be identified

Who do we file the form with? Ideas being corporation counsel, administrative coordinator, personnel director, county clerk, department head

It will be the corporation counsel

- I.D. as central repository

Identification of timeline:

- Employee has 5 working days to file – under no circumstances can it exceed 5 working days

If deadline is missed corporation counsel has ability under extenuating circumstances to extend deadline. No appeal by employee or county.

- Corporation counsel will review document and notify employee within 3 working days of deficiencies, if no notice is provided to employee the grievance is moved on regardless of it being right/wrong or otherwise
- A standard letter from the corporation counsel denying the grievance will be provide to the employee to include appeal opportunity

Appeal process timeline:

- Employee has 5 working days (if the denial has been personally) delivered to file an appeal
- Employee has 8 working days (if the denial has been mailed) to file an appeal

How soon after the request is made for a hearing and the hearing itself?

- No less than 20 days

All documents must be provided/exchanged/furnished to the corporation counsel 10 days before the hearing this could include witnesses.

There will be no mediation.

The hearing will be in closed session.

There will be no recording i.e. taped, video or other of the proceedings.

The hearing officer can ask questions.

Employee and/or county can request to have counsel present, but no other person i.e. to represent them.

Is the county going to rely on the impartial hearing officer's decision, findings, facts and/or explanation?

Standard of Review: Abuse of discretion

Impartial hearing officer, reverse decision of authority implementing decision

Impartial hearing officer makes the decision both or either parties can appeal the decision. The appeal goes to the county board. It must be with-in 7 working days of the determination.

Rules of evidence don't apply.

Deadline for hearing officers decision = 7 working days.

The decision will be placed both in the employees file and the corporation counsel office.

Deference – Remove

County Board can reverse decision and on what basis? Enable review?

Only if abused discretion

Arbitrary/oppressive/unreasonable

The corporation counsel and personnel director will have copy on file.

Quickly touch on work place safety.

Draft of template

Precondition

Notify county – county has time to take corrective action if necessary

Work place safety issues should be run through the department head in conjunction with the personnel director. This is for impartiality.

An employee can report something seen unsafe for or on behalf of someone else. As safety is a priority.

Agenda items for next meeting to include:

Work place safety draft

Draft of grievance procedure

Draft grievance form

Set next meeting date for August 4, 2011 at 9:00 a.m.

Motioned by Ward/Croke to adjourn at 1:20 p.m. Motion carried by unanimous voice vote.

Respectfully submitted,

Cindy Phillippi

Recording Secretary

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July 19, 2011

To All Employees of Adams County:

Allow us to begin by thanking each and every one of you for your hard work and continued, dedicated service to the constituents of Adams County. We very much appreciate and value the many important programs and services that our county employees carry out on a daily basis.

As we are sure that you are aware, 2011 Wisconsin Act 10, the Budget Repair Bill, was enacted into law. The effective date of the Budget Repair Bill was June 29, 2011. Various amendments were subsequently made to the Budget Repair Bill in connection with the adoption of the state budget (Act 32) which became effective July 1, 2011. The Budget Repair Bill and its amendments make sweeping changes in the relationship among counties, their employees and employee unions.

We thought it was important to share with you how the County is preparing to address the changes mandated by the Budget Repair Bill and some of the impacts the new law will have on county employees.

The Adams County Board of Supervisors has created a transition committee that will be responsible for addressing the changes that are mandated by the Budget Repair Bill and its amendments. We want to reaffirm that the County Board is dedicated to providing employees with a fair and equitable workplace.

How will the Budget Repair Bill and its amendments affect the County's employees? The answer depends on several factors such as an employee's position, membership in a union and status under a collective bargaining agreement. These factors determine when and how the law impacts an employee. Nonetheless, we have summarized some of the key points of the law below:

1. Health insurance. You may have read that the budget repair bill mandates that all employees pay 12% towards the premium. This requirement only applies to the state health insurance plan and has no impact on Adams County as the County is not covered under the state health insurance plan. Under the Budget Repair Bill, health insurance plan design and the health insurance contributions of non-represented and most represented employees (upon expiration of current collective bargaining agreements) will be determined by County policy. Transit employees, as defined by the Wisconsin Employment Relations Commission, will be the only employees who continue to bargain over health insurance plan design and insurance contributions.

2. Wisconsin Retirement System. Under the Budget Repair Bill and its amendments, general municipal employees (i.e., represented employees other than public safety employees and transit employees) covered under the Wisconsin Retirement System (WRS) will be required to pay the employee portion of the contribution unless an existing collective bargaining agreement provides otherwise. The County will continue to make payments for represented employees covered under existing (unexpired)

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collective bargaining agreements until the collective bargaining agreements expire, terminate, are modified or renewed.

The employee contribution is determined on an annual basis by the Employee Trust Funds board. The current rate for the employee contributions as set by the Department of Employee Trust Funds is 5.8% for general and protective employees and 6.65% for elected officials. Non-public safety and non-transit employees who are not covered by a collective bargaining agreement will be required to begin paying the employee share of their WRS contributions for the payroll period beginning on July 31, 2011 and ending on August 13, 2011 in accordance with the BRB. Paychecks for this payroll period will be issued on August 19, 2011.

The contributions of represented public safety and transit employees to the Wisconsin Retirement System will continue to be governed by their collective bargaining agreements, except that the County cannot bargain to pay the employee WRS contribution for public safety employees hired on or after July 1st (the effective date of the budget bill). There will be no changes in retirement contributions for other public safety employees or transit employees unless they are negotiated through collective bargaining.

Amendments to the budget bill also limit the required WRS contribution for non-represented law enforcement managerial employees to the percentage of WRS contribution paid by represented law enforcement personnel. Therefore, certain high ranking law enforcement employees employed on July 1st (the effective date of the budget bill) will pay the same WRS contribution as represented law enforcement employees such as sheriff's deputies.

3. Collective Bargaining and Union Dues. The Budget Repair Bill and its amendments contain several changes related to collective bargaining for represented general municipal employees including, but not limited to the following: (a) bargaining is restricted to "total base wages" and any increase in total base wages may not exceed the consumer price index unless approved by a referendum—every matter other than total bases wages is a *prohibited* subject of bargaining; (b) collective bargaining agreements are limited to one year in duration; (c) wages are frozen until a new contract is settled; (d) the County is prohibited from collecting union dues and fair share dues from employees; and (e) employees who are not part of a union cannot be required to pay fair share dues. These provisions will first apply to general municipal employees on the date their current collective bargaining agreements expire, terminate, are modified or renewed. In Adams County, the collective bargaining agreements of general municipal employees (highway, solid waste, corrections, courthouse and professional employees) expire on December 31, 2011.

These changes in collective bargaining do not apply to represented public safety employees and represented transit employees. Represented public safety employees (sheriff's deputies) retain the right to collectively bargain all aspects of wages, hours and conditions of employment other than the design and selection of health care coverage plans and payment of employee-required WRS contributions for public safety employees hired on or after July 1st. Transit employees retain the right to collectively bargain all aspects of wages, hours and conditions of employment as before.

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4. Grievance Procedure. The Budget Repair Bill requires the County to adopt a grievance system related to employee termination, discipline and workplace safety which will be applicable to all employees. The grievance system must be in writing, provide for a hearing before an impartial hearing officer and provide for an appeal. The grievance system must be in place on or before October 1, 2011.

5. Wages, Hours And Conditions Of Employment For Represented General Municipal Employees, Public Safety and Transit Employees. The terms and conditions of employment of Adams County general municipal employees will continue to be governed by their collective bargaining agreement through the end of their current contracts in December of 2011. Following expiration of the collective bargaining agreements, all terms and conditions of employment for general municipal employees, with the exception of "total base wages," will be defined and governed by the Employee Handbook. Total base wages for general municipal employees will continue to be subject to negotiation through collective bargaining.

The terms and conditions of employment of public safety employees will remain governed by their collective bargaining agreement with two exceptions. Upon expiration of the current collective bargaining agreement in December 2011, health care plan design and contributions will be defined by Employee Handbook. Also, the County will be prohibited from bargaining to pay the employee share of WRS contributions for public safety employees hired on or after July 1, 2011. Transit employees retain the right to collectively bargain all aspects of wages, hours and conditions of employment as before.

If you have specific questions about the Budget Repair Bill and its amendments, please feel free to contact the County Clerk, Cindy Phillippi. Because this is an ever-evolving situation, the County may not have the answer immediately; however, Cindy will respond to you as quickly as she can. If you need a copy of the Employee Handbook, please contact Cindy as well.

We recognize these times of uncertainty can be tough, but we know Adams County employees have the ability to meet these challenges as we move forward. Thank you for your continued dedication and resiliency during these times.

Sincerely,



Bill Miller

Transition Committee Chair