

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE
July 26, 2011
KCAB 3rd FLOOR COUNTY BOARD ROOM

Members Present: William Michel II, Bob Haas, Ronald L. Johnson, Ronald J. Frederick, Robert Zerban, Cole Andrekus (YIG)

Others Present: David E. Celebre, Chief Deputy Charles Smith, Robert Reidl, Lorette Mitchell, Jim Olson, Diane Leiting, Dave Geertsen, Joe Potente, Fred Storz, Mark Montague, Nick Kasmer, Deb Shimkus, Craig Knecht, Gene Bergles, David Holtze Jr., Edward Vos

Meeting Called to Order: 6:00 p.m. by Chairman William Michel II

Citizen Comments: Fred Storz commented about inconsistent casual days listed; five under "Shift Exchanges" and six under "Casual Days." The new policy states no payout for unused casual days. Many people save these days for payout and there could be problems implementing this so late in the year. Payout rate is straight time. If an officer takes time off they have to be replaced by someone at the rate of at least time and a half. Vacation picks have to be submitted so early that if an event comes up the only option is to swap shifts. Storz's second concern is with the proposed overtime policy. Facilities are 24/7 operations; they work holidays. They are required to come in on very short notice. They deal with hostile inmates. To be paid strait time for this is unfair. Storz's third concern is with the proposed grievance procedure. What could be the cost to have grievances heard by an impartial person? He does not think the County Board, Personnel, or anyone that works for the County could be impartial. The final concern presented was regarding vacation picks. He feels it is unfair that seniority would be disregarded. Changing this would award no financial benefit for the County. What other reward is there for long-term employment? Storz said that they do not want to be treated special; but fairly. Wording of the policies should be checked for contradictory wording. Storz's understanding is that the Sheriff and Chief Deputy support these policies. Overtime is caused by personnel shortages; hire more people. 30-40% of the overtime is attributed to federal inmates.

Nick Kasmer added a few comments to those Storz made. Seniority for shift changes is in force but he would also like vacations and layoffs based on seniority. He would like a fair and impartial grievance officer; not a County employee. He believes the cost for arbitration/grievance procedures is not high; he believes about \$400. Kasmer would like current overtime policies to remain in place. With the new policy you would have to work an entire shift at regular time before overtime started. He does realize the difficulties with reductions in State Aid.

Supervisor Comments: Supr. Haas commented that he believes some policies including overtime should not change. He believes there would be a moral problem, especially with Jail and Highway employees. Employees are not disagreeing to take cuts. People must be treated with dignity. Costs are not increasing to taxpayers. Experienced highway workers know routes to prevent damage that would cost money.

Supr. Frederick commented that he wants to know what has changed. County Board members have a right to know this. It is against the law to discuss or negotiate directly with employees.

Supr. Celebre commented that State Law cannot be changed. When we apply the statute as proposed, Finance and Administration Committees' decisions are final. There could be problems

without uniformity. An arbitrator ties to follow uniform policy. If this proposal goes forward without an arbitrator, there would be potential for complex and different meanings. Long-term policies could be reversed. Celebre believes that an arbitrator should be inserted.

Chairman Comments: Supr. Michel thanked everyone for coming, including from Personnel, Corporation Counsel and other administration. Policies were presented by Finance. This is an informational meeting. Supervisors Singer and Grulich were excused.

Employment Policies for Employees of the Division of Highways will not be discussed at this meeting.

Resolution from Kenosha Joint Services:

- 1) Confirmation of the Appointment of Larry C. Zarletti to the Position of Director, Kenosha Joint Services

Motion by: Johnson **Seconded by:** Frederick **Approved:** unanimously

The position of Director was vacated January 25, 2011 due to the retirement of the previous director. Recruitment for the position was conducted on a nationwide basis beginning in October 2010. The Joint Services Board interviewed candidates for the position on July 5, 2011. Larry Zarletti was selected as the best qualified candidate based on his qualifications. The Intergovernmental Agreement requires that the selection of Director be confirmed by both the City of Kenosha Common Council and the Kenosha County Board of Supervisors.

Resolution to Establish Interim Employment Policies for Employees Employed by the Kenosha County Sheriff's Department Corrections Division:

Lorette Mitchell explained that the policies are necessary due to the implementation of Act 10. There are two classes of employees. Under the new act General Employees may only negotiate for wages. Protective Employees may negotiate for wages, hours, and conditions. Consumer Price Index determines wages. If above this is requested a referendum is necessary. She provided the definition of Collective Bargaining. Supr. Zerban asked for clarification that as a Government Body they cannot negotiate with Collective Bargaining Units. Mitchell confirmed and stated for wages only. Zerban stated that then basically any policies can be written; they can even be more generous. Mitchell responded yes.

Haas asked if Personnel can make any policies. Neither the employee nor County Board has any say? Michel responded that the policies have to come to the County Board for final say. Haas added that all we can do is approve, we cannot negotiate. Michel said that changes can be made by amendment. Mitchell said there has only been one reading. Hopefully by the second reading members will be more informed. Frederick asked why this is back to the Judiciary & Law Committee. Michel explained for informational purposes so members can make informed decisions at the County Board meeting and possibly make amendments. Frederick commented that this was apparently met with disagreement by Finance & Administration based on mixed voting. This was added to the agenda late and only Finance and Personnel had input. He has heard things only through Citizen Comments. A motion cannot even be made for advisory tonight. Suddenly there are no rules. What was heard tonight is not complicated. Vacation picks are done anywhere by seniority. Michel stated that many changes were brought on by what is going on in Madison. Frederick rebutted that all is not by Madison, such as time and a half. He asked who made these proposals. Reidl replied the County Executive. Zerban suggested interim policies be presented that

are as close as possible to current policies. If we do not have both, we cannot compare. This would be needed by the next County Board meeting to possibly support. The following motion was made:

Documents be Presented that Detail All Changes in Policies

Motion by: Zerban **Seconded by:** Haas **Approved:** unanimously

Mitchell stated that a resolution to terminate contracts had to come to the last meeting. We have four months to implement procedures. Items such as grievances have more time. Policies can be dealt with separately. Due to status of no contracts, it could be argued to continue with past practice. Michel asked Reidl if he could draft highlighted versions of changes. Reidl stated that he could for information purposes.

Mitchell reported about changes in the step grievance process. They are now limited to termination, discipline and workplace safety. Haas asked who determines to whom grievances go. Mitchell replied that the County does. This has not yet been determined but she believes that management should be able to resolve some issues with others going outside the County. Frederick suggested that the Civil Service Commission set-up could be followed.

Mitchell commented that the State laws are all new; it is unknown at this time how federal laws will work in. There is contract law and criminal law. All contracts will have to be terminated at some point. It is the duty of administration to come up with policies.

Bob Reidl stated that the State Budget does affect Kenosha County. These are some ways to make up for budget deficit. Act 10 has been in effect for 30 days; there is no caselaw yet. Revisions may be needed as caselaw determines. Policies are for the balance of the year. Three other unions will be affected after this year. Around the first of the year they will have permanent policies.

Motion made to Table this Resolution until Old and New Information is Provided to All County Board Members

Motion by: Haas **Seconded by:** Zerban **Approved:** unanimously

Michel commented that the next County Board meeting will be the second reading and policies could pass. It is important to have some idea of policies and financial impacts.

Frederick asked if there would be a separate handbook for medical. Reidl explained that this is negotiated separately. They will attempt to put all on the same plan. There is currently no contribution towards premiums; however, over 12% is contributed via co-pays.

Zerban stated that his frustration is with what Madison has done causing this situation; he is not angry with Reidl.

Any Other Business Allowed by Law: None

Meeting Adjourned: 7:25 p.m. on motion by Johnson, seconded by Zerban.

Respectfully Submitted,

Donna L. DeBree