

## **Agenda**

**Human Resources Committee  
Jefferson County Courthouse  
320 S Main St, Room 202  
Jefferson, WI 53549**

**November 7, 2012 @ 8:30 a.m.**

Committee Members: James Braughler, Chair; Greg David; Pamela Rogers, Secretary; Jim Schroeder, and Dick Schultz, Vice-Chair

1. Call to order
2. Roll call (establish a quorum)
3. Certification of compliance with the Open Meetings Law
4. Review of the Agenda
5. Citizen Comment
6. Approval of October 16, 2012 minutes
7. Communications
8. Discussion of Pay-for-Performance programs at other Counties and/or municipalities
9. Discussion and possible recommendation of the proposed 2012 Compensation and Classification Study, including but not limited to implementation process, exempt vs. non-exempt positions, combination or consolidation of positions, pay for performance vs. step system, and a classification review process
10. Discussion and possible recommendation to modify the County's dental benefit plan design for 2013
11. Creation of a full-time Dementia Care Specialist Project Employee at Human Services
12. Creation of Occasional Part time Pool Associate Registered Nurses at the Jail
13. Set next meeting date and agenda
14. Adjournment

**Next scheduled meeting: November 20, 2012 @ 8:30am**

The Committee may discuss and/or take action on any item specifically listed on the agenda

**Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.**

**HUMAN RESOURCES COMMITTEE  
MEETING MINUTES  
October 16, 2012 @ 8:30am  
Jefferson County Courthouse, Room 202**

1. Meeting called to order at 8:32am by J. Braughler.
2. Present: J. Braughler, G. David, P. Rogers, J. Schroeder, and D. Schulz. All members present. Quorum established. Others Present: G. Petre, T. Palm, J. Molinaro, P. Ristow, K. Spory (Daily Union), C. Carlson (Carlson Dettmann Consulting) teleconference, K. McCloskey (Carlson Dettmann Consulting), B. Kern
3. Certification of compliance with the Open Meetings Law by G. Petre.
4. Agenda reviewed with no changes.
5. Citizen Comments. None.
6. Motion by D. Schultz, second by G. David, to approve the October 8, 2012, minutes as printed. Motion carried 5:0.
7. Communications: Memo from Bill Kern, dated October 12, 2012, regarding placement of Highway workers and pay-for-performance for the Highway in relation to the Classification and Compensation Study.
8. Presentation from Carlson Dettmann Consulting providing an update to the Classification and Compensation Study. Katie McCloskey was present, as well as Charlie Carlson via phone. Discussion around several topics:
  - a. AFSCME request to negotiate and the complications due to legal uncertainties with the ensuing law suit around Act 10. Consensus was to continue forward with the study by gathering more information, and talk with AFSCME regarding the intent of the letter.
  - b. Highway department. Although Committee directed Carlson Dettmann to proceed with a step-system, and not pay-for-performance, the Highway Commissioner believes a PFP plan would work at the Highway. Committee agreed to listen to arguments as to why a PFP is the best solution for the Highway department and asked the Highway Commissioner to present examples/details of what a PFP would look like and how it would work well in advance to the next meeting in approximately 30 days.
  - c. Classification Review process (Appeals process). The recommendation is the appeals occur after plan adoption. Committee inquired about the possibility of face-to-face review, which would be an additional cost. Completion of the appeals process prior to adoption would delay the plan immensely. Additional future discussion to include what data the County wants to request (i.e. total points, breakdown of points, etc.).
  - d. Implementation. Review of the recommendation of implementation from HR was reviewed, which included green circled employees to the minimum on January 1, 2013, everyone else would be implemented on their step-date or hire-date for those out of steps.

*Break 10:07am – 10:20am.*

9. Motion by D. Schultz, second by J. Schroeder, to convene into closed session pursuant to Wisconsin State Statutes Section 19.85(1)(b), consideration of employee discipline. All Present responding "Aye". Moved into closed session at 10:20am. Note: other than committee members, others present were P. Ristow, Corporation Counsel; J. Parker, Chief Deputy; and T. Palm, HR Director.
  - a. Motion by J. Schroeder, second by G. David, to approve the order of discipline from the Sheriff imposing a 3-day suspension. Motion carried 5:0.
  - b. Motion by D. Schultz, second by G. David, to approve the order of discipline from the Sheriff imposing a 90-day suspension. Motion carried 5:0.
10. Next meeting is scheduled for November 20, 2012 at 8:30am, with a tentative special meeting at 8:30am on Wednesday, November 7, 2012. Items to include the Classification and Compensation study, including the appeal process, handling red-circled employees, implementation strategy, and options for highway classifications including pay-for-performance.
11. Motion by D. Schultz to adjourn, second by G. David. Meeting adjourned at 10:55am.

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Human Resources Committee Secretary

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Date

## Tammie Jaeger

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**From:** Ellen Braatz  
**Sent:** Friday, September 14, 2012 9:23 AM  
**To:** Terri Palm  
**Subject:** FW: Dental options

**From:** David.Grunke@wpsic.com [mailto:David.Grunke@wpsic.com]  
**Sent:** Thursday, September 13, 2012 4:17 PM  
**To:** Phil Ristow  
**Cc:** Barb Frank; Becky.Schumal@wpsic.com; Ellen Braatz  
**Subject:** RE: Dental options

From my stand point yes.

**David A. Grunke**, CHC, RHU  
Manager, Strategic Accounts  
WPS Health Insurance | WPS Administrative Services | Arise Health Plan | EPIC Life Insurance Company  
1717 Broadway -- Madison, WI 53713 | PO Box 8190 -- Madison, WI 53708-8190  
office: 608.226.8030 | cell: 608.575.3312 | fax: 608.223.2979

 Think Green - don't print this email unless you really need to!

**From:** Phil Ristow <PhilR@jeffersoncountywi.gov>  
**To:** "David.Grunke@wpsic.com" <David.Grunke@wpsic.com>  
**Cc:** Barb Frank <BarbF@jeffersoncountywi.gov>, Ellen Braatz <EllenB@jeffersoncountywi.gov>, "Becky.Schumal@wpsic.com" <Becky.Schumal@wpsic.com>  
**Date:** 09/13/2012 03:39 PM  
**Subject:** RE: Dental options

Dave:

Can we administer two different groups if we wanted to change everybody but the Sheriff's union held out to stay as is??

Phil

**From:** David.Grunke@wpsic.com [mailto:David.Grunke@wpsic.com]  
**Sent:** Thursday, September 13, 2012 2:00 PM  
**To:** Barb Frank; Phil Ristow; Ellen Braatz  
**Cc:** Becky Schumal  
**Subject:** Dental options

To increase the plan deductible to \$50 from the current \$25 and increase the plan annual maximum from \$1000 to \$1500 the expected "rate" would increase to; Single \$29.65, Family \$89.26.

Please let me know if you would like any other options priced.

**David A. Grunke**, CHC, RHU

Manager, Strategic Accounts

WPS Health Insurance | WPS Administrative Services | Arise Health Plan | EPIC Life Insurance Company

1717 Broadway -- Madison, WI 53713 | PO Box 8190 -- Madison, WI 53708-8190

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## Notice of Amendment to the Summary Plan Description

For

### For Group Dental Benefits with Delta Dental of Wisconsin, Inc.

This Notice of Amendment is part of the Summary Plan Description issued by your Plan Sponsor. If the provisions of this Notice of Amendment and the Summary Plan Description do not agree, the provisions of this Notice of Amendment apply.

Please be advised that effective on the date of your plan's next renewal on or after January 1, ~~2010, 2013~~ the Summary Plan Description for your dental plan will amend the qualifiers for the term "Dependent" ~~pursuant to a Wisconsin law mandate effective January 1, 2010:~~

The following language hereby replaces the current language under and including the heading entitled **Covered Dependents** contained in the Summary Plan Description:

#### **"Covered Dependents**

1. Your lawful spouse;

2. Your unmarried children, including step and adopted children and children placed for adoption with the Covered Employee, who ~~is less than 26 years of age, satisfy all of the following criteria:-~~

~~(a) The child is less than 27 years of age, regardless of student status; and~~

~~(b) The child is not eligible for coverage under a group dental benefit plan that is offered by the child's employer and for which the amount of the child's premium is not greater than the premium amount for coverage as a Dependent under this plan.-~~

3. Notwithstanding 1. and 2. above, the Covered Employee's adult unmarried dependent children, including step and adopted children and children placed for adoption with the Covered Employee may be covered under this plan if the adult child satisfies all of the following criteria:

~~After attaining age 26, a Dependent includes a child that is no longer a full-time student, regardless of age, who was called to Federal active duty when the child was under the age of 27 years and while the child was attending, on a full-time basis, an institution of higher education. The adult child MUST apply to an insitution of higher education as a FT student within 12 months from the date the adult child fulfilled his or her active duty obligation.~~

~~(b) The adult child satisfies the requirement under 2. (b), above; and~~

~~(c) The adult child was called to federal active duty in the National Guard or in a reserve component of the U.S. armed forces while the child was attending, on a~~

~~full-time basis, an institution of higher education, and~~

~~(d) The adult child was under the age of 27 when called to federal active duty; and~~

~~(e) The adult child re-enrolled as a full-time student within 12 months of returning from active duty.~~

4. The child of an unmarried child (grandchild) is covered until the Dependent child reaches age 18, 19, or age 23 if a full-time student.

~~5. Unmarried dependent children age 17 and over who are incapable of supporting themselves because of physical or mental incapacity that began prior to their 17<sup>th</sup> birthday or the date you became eligible for this dental plan.~~

5. An unmarried dependent child who is incapable of self-support because of a physical or mental disability that can be expected to be of an indefinite duration of at least one year, is an eligible dependent regardless of age, as long as the dependent remains so disabled and h/she is dependent on employee or other parent for at least 50% of the child's support as demonstrated by the support test for Federal Income Tax purposes, wheter or not the child is claimed.

Dependents in military service are not covered by this dental plan.

## REQUEST TO FILL A VACATED or NEW POSITION

- 1. Position to be filled: Dementia Care Specialist Pilot LTE for ADRC**  
**Department/Unit:** Human Services  
**Hours:** 40/ Full Time  
\$20.108 per hour for \$41,825  
Fringes of \$4036  
**Total: \$45,861**

**Fiscal Note (how is position funded): State DHS grant money**

- 2. Why is the position vacant?** This is a new grant funded position
- 3. What efforts have you made to change the position?** N/A
- 4. What would happen if the position is not filled?** We have seen an increase in need for services and system building infrastructure for people with dementia. This is a grant funded position that includes additional money for indirect costs, overhead, training and travel, for a grand total of \$69,261.
- 5. Your recommendation, including anticipated date to fill?** Job description needs to be developed and appropriate committee approval for a potential December start date.

**Submitted by:** Kathi Cauley, Director  
Human Services Department

**Date:** November 5, 2012

**REQUEST TO FILL A VACATED POSITION**

1. Position to be filled: LTE Jail Weekend Associate Degree Registered Nurse (ADN)

Department: Health Dept Hours: Every other weekend- 12-16 hrs/ ppp

       Union   X   Non Union Grade and Pay Range: ??

Cost: ?? \$20.82/ hr Benefits:        Yes   X   No

Fiscal Note (how is position funded): Sheriff's Dept Budget

2. Please indicate how many other full-time, part-time (benefited) and part-time (non-benefited) positions are currently allocated to this classification. Please include how many of these are vacant.

We currently do not hire any 2 year RNs (ADNs). We have hired only 1 year LPNs to fill this position in the past. We would like to open the applicant pool to include the ADN RN. Currently the positions fill with LPNs are:

- 1 FT with benefits (Diane Lenz, LPN)
- 1 PT 20 hrs/ week with benefits (Sarah Luebke, LPN)
- 2 LTE without benefits sharing weekends 2 open positions recently resigned
- 1 LTE work very rarely on an "as needed" basis (Melissa Goodearle, LPN)

3. Why is the position vacant?

Recent resignations of both weekend nurses Courtney Beitz, LPN and Terry Nelson, LPN who were sharing the weekends and filling in as needed during the week.

4. What efforts have you made to change the position?

Recently interviewed 5 LPN candidates and did not find any we thought would fit well into this specialized, independent environment. We were thinking if we opened up the applicant pool to 2 year RNs we might be able to recruit more independent practitioners to this setting.

5. What would happen if the position is not filled?

Weekend coverage at the jail by a medical staff person would be inconsistent and very sporadic. There would be some weekends where an LPN would not be available to do weekend sick call. The Health Department would not be able to fulfill the terms of our contract with the Sheriff's Dept.

6. Your recommendation, including anticipated date to fill?

I would recommend advertising and hiring as soon as possible. We will have no weekend coverage in 2 weeks when the last resignation fills her 2 weeks notice. Ideally we need to hire 2 people who could cover every other weekend and occasionally during the week for vacation and illness. The weekend LPN/ ADN works independently and therefore needs a good thorough orientation to be able to confidently function in the jail setting. Corrections' nursing is a specialty area and needs specific and longer orientation. Very few are able to step into a corrections nursing role. In order for the LPN/ ADN to be oriented and ready to work independently the process needs to start as soon as possible.

Submitted by: Gail Scott/ Diane Nelson Date: 10/30/2012

# Jefferson County Circuit Court

## Branch 1

Honorable Jennifer L. Weston

October 11, 2012

RE: Jefferson County Classification and Compensation Study

Dear Supervisors Braughler, David, Rogers, Schroeder and Schultz,

Thank you for the opportunity to make comment on the Study. Judge Erwin's letter of October 8 does a nice job of spelling out many of the responsibilities assumed by our judicial assistants. I will not reiterate those.

Recognizing the difficulty associated in determining appropriate pay ranges for various types of employees, I ask you to recommend to the Board that our three Judicial Assistants be placed higher than Grade 3.

Per my quick analysis [see attached], if Grade 3 is used, Lori Zastrow *will not be eligible for any increase in pay ever*; Michelle Rue-Miller will be eligible for a *total increase in pay of 78 cents per hour by 2017*; and Kim Vegter would receive *periodic increases throughout the years up to a total of \$2.16 by 2017*.

I presume one of the goals of the Study is to propose a wage scale that, when adopted by the Board, would exist for an extended period of time – up to 20 years, I imagine. To tell a committed employee that, whether she stays here 2 years or 20 years she will not receive any pay increase, or will receive a total pay increase of 78 cents per hour, or \$2.15 per hour, is disheartening at best.

We are all aware of fiscal responsibilities and economic realities. And I understand, and agree with, the concept of the Study to pay employees a reasonable wage based upon the nature of their respective qualifications and their job responsibilities.

To the best of my knowledge, none of the judges were asked to weigh in on the qualifications and responsibilities of our Judicial Assistants. This is unfortunate. As stated previously, Judge Erwin's letter does a nice job of detailing some of the JA's responsibilities. One thing Judge Erwin did not express, and which I do not believe is taken into consideration in the Study at all in establishing values of employees, is the nature of the person for whom an employee works. Judges, I think, are a unique form of being. We are each, in our own way, demanding of our employees in a way unlike other offices. We are exacting and expect nothing but near-perfection from our Judicial Assistants. This is essential due to the nature of our positions.

Carlson Dettman stated during the meeting that one of the principles adhered to is to “create internal equity.” He emphasized the importance of this principle.

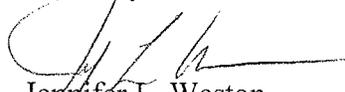
This is the Courthouse. It houses the courts. Of all the offices within the County those most closely connected to the court system are: (1) the Courts, (2) the Clerk of Court’s office, (3) the Corporation Counsel’s Office, (4) the District Attorney’s Office, and (5) the Sheriff’s Office.

Under this Study, the Clerk of Courts have “secretarial” type employees<sup>1</sup> in Grades 4 and 3. The Corporation Counsel’s “secretary” is in Grade 7. The District Attorney’s “secretary” is a Grade 8, and the general “secretaries” within the DA’s office are in Grade 4. The Sheriff’s “secretary” is in Grade 5. And all of the Court’s “secretaries” are in Grade 3.

This does not create “internal equity.” As Judge Koschnick pointed out, this leaves the Courts -- I (humbly) suggest the most important component of the court system – with the poorest paid workers. To the best of my knowledge, this is not how it works in the private sector.

I have the utmost respect for you in having agreed to serve on the committee making such difficult decisions and recommendations to the County Board. Thank you for considering the implications to the Courts of placing our three employees at a Grade 3. Please consider recommending to the full Board that the Judicial Assistants be placed at a higher Grade.

Sincerely,



Jennifer L. Weston  
Circuit Court Judge, Br. 1

Pc: Mr. Gary Petre  
Ms. Terri Palm-Kostroski

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<sup>1</sup> I do not use the terms “secretary” or “secretarial” in a demeaning sense, but rather as a well understood mode of classification, given the many different titles assigned to persons within offices.

- (1) **Lori Zastrow.** 14 years County employee. Lori earns \$19.47 per hour. Under the proposed plan, she would be placed at a Grade 3, Step 11 and would **never** be eligible for a pay increase.

*If placed in Grade 4, she would begin at Step 6, would be eligible for yearly increases (beginning in 2017) up to a max of \$21.88 per hour, a total increase of \$2.41 per hour over the span of 5 years.*

*If placed in Grade 5, she would begin at Step 2, would be eligible for yearly increases (beginning immediately) up to a max of \$24.11 per hour, a total increase of \$4.64 per hour over the span of 9 years.*

- (2) **Michelle Rue-Miller.** A County employee on/off for 14 years. Michelle earns \$18.58 per hour. Under the proposed plan, she would be placed at Grade 3, Step 7. She would not be eligible for a pay increase until 2016, and would be maxed out in 2017 at \$19.36 per hour. In other words, under this plan she could anticipate receiving 35 cents per hour more beginning in 2016, an additional 43 cents per hour more beginning in 2017 [total increase of 78 cents per hour over 5 years].

*If placed in Grade 4, she would begin at Step 4, would be eligible for yearly increases (beginning in 2019) up to a max of \$21.88 per hour, a total increase of \$3.30 per hour over the span of 7 years.*

*If placed in Grade 5, she would begin at Step 1 (would get an immediate increase in pay of 17 cents), and would be eligible for yearly increases up to a max of \$24.11 per hour, a total increase of \$5.53 per hour over the span of 10 years.*

- (3) **Kim Vegter.** 4 year County employee. Kim earns \$17.205 per hour. Under the proposed plan, she would be placed at Grade 3, Step 5, so would be eligible for annual increases, up to a maximum of \$19.36 in year 2017.

*If placed in Grade 4, she would begin at Step 1, so would be eligible for yearly increases up to a max of \$21.88 per hour beginning in 2022, a total increase of \$4.675 per hour over the span of 10 years.*

*If placed in Grade 5, she would begin at Step 1 (would get an immediate increase in pay of \$1.54 per hour), and would be eligible for yearly increases up to a max of \$24.11 per hour, a total increase of \$6.90 per hour over the span of 10 years.*

## Terri Palm

---

**From:** Ed Sadlowski [esadlowski@afscme40.org]  
**Sent:** Tuesday, November 06, 2012 8:02 AM  
**To:** Phil Ristow  
**Cc:** Ann Jenswold; JimG\_1@Charter.net; Martha Merrill; Greg David; James Braughler; Pam Rogers; John Molinaro; James Schroeder; Dick Schultz; Terri Palm  
**Subject:** Demand to Bargain: Local 655 AFSCME, AFL-CIO

*Sent Electronically  
November 6, 2012, 2012*

Phil Ristow  
Corporation Council  
Jefferson County  
320 South Main Street, # 110  
[philr@jeffersoncountywi.gov](mailto:philr@jeffersoncountywi.gov)

RE: Demand to Bargain: Local 655 AFSCME, AFL-CIO

Dear Phil:

We write relative to the above, and in follow up to our prior correspondence regarding same, said being dated October 9, 2012.

On Friday September 14, 2012, Judge Colás issued his decision in *Madison Teachers, Inc., et al. v. Walker, et al.* (Case No. 11CV3774). This decision invalidated many of the statutory changes made by 2011 Wisconsin Act 10, including its prohibition on fair share agreements, dues deduction and most subjects of bargaining for all city, county, township and school district employees in the state. By finding portions of Act 10 unconstitutional, those provisions of the law are now void. To be clear, this means that those unconstitutional provisions, including the prohibition on fair share, dues deduction and most subjects of bargaining, cannot be enforced by anybody, party to the lawsuit or not.

In a prior lawsuit (*WEAC et al., v. Walker et al.*), the U.S. District Court found that the annual certification and prohibition on annual dues deduction portions of Act 10 violated the U.S. Constitution. The MTI case differs from the WEAC case in that Judge Colás found the requirement for annual certification and the prohibition on dues deduction, fair share agreements, and most subjects of bargaining a violation of both the United States Constitution and the Wisconsin Constitution. The Defendants requested a stay of the decision and Judge Colás denied the request in all aspects on October 22<sup>nd</sup>. Because the recertification provision (111.70(4)(d)(3)) has been found by a Wisconsin court to violate the Wisconsin Constitution and no other court has found to the contrary, municipal employers are prohibited from enforcing that section.

As the law stands, AFSCME Local 655 is a certified bargaining unit. Accordingly, AFSCME Local 655 is hereby providing notice that it desires to commence bargaining on a successor agreement to become effective January 1, 2011. In recognition of the unsettled nature of the law, the Union is open to including language that makes the successor agreement contingent on the outcome of the court rulings.

In addition, Jefferson County is prohibited from making any unilateral changes to mandatory subjects of bargaining, i.e. wages. Be advised that the word wages has been interpreted to embrace within its meaning "direct and economic benefits flowing from the employment relationship" and includes, but is not limited to: base wages, step increases, overtime pay, shift differential, paid holidays, paid vacations, health and welfare, and insurance. Any unilateral changes made to wages and benefits found related to wages is unlawful and charges will be filed.

In addition, and per *MTI v. Walker*, the union requests restoration of the dynamic status quo per the contract ending December 31, 2010.

AFSCME leadership and membership in Jefferson County appreciate the fiscal and organizational concerns confronting employers due to Act 10 and this Court decision. We are committed to working through these challenges with the Jefferson County Board and its representatives, in a cooperative and responsible manner.

Please contact me at your earliest convenience to schedule a date to meet and exchange proposals.

Thank you in advance for your attention to this matter.

Edward A. Sadlowski  
WI AFSCME Council 40  
4400 N. Juniper Drive  
Janesville, Wisconsin 53545  
608-751-4554  
[esadlowski@afscme40.org](mailto:esadlowski@afscme40.org)

Cc: Ann Jenswold, President, Local 655 AFSCME, AFL-CIO  
Jim Garity, Vice-Pres., Local 655, AFSCME, AFL-CIO; President, WI Council 40, AFSCME, AFL-CIO  
Martha Merrill, Research Director, WI Council 40, AFSCME, AFL-CIO  
Terri Palm, Jefferson County HR Director  
John M. Molinaro, Chair, Jefferson County Board  
Members of the Jefferson County HR Committee

## Terri Palm

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**From:** Ed Sadlowski [esadlowski@afscme40.org]  
**Sent:** Tuesday, November 06, 2012 8:22 AM  
**To:** Phil Ristow  
**Cc:** Kathy Cheek; Jackie Behm; JimG\_1@Charter.net; Martha Merrill; John Molinaro; Terri Palm; Greg David; James Braughler; James Schroeder; Pam Rogers; Dick Schultz  
**Subject:** Demand to Bargain: Health Department Professional Employees, Local 723 AFSCME, AFL-CIO

*Sent Electronically  
November 6, 2012, 2012*

Phil Ristow  
Corporation Council  
Jefferson County  
320 South Main Street, # 110  
[philr@jeffersoncountywi.gov](mailto:philr@jeffersoncountywi.gov)

RE: Demand to Bargain: Health Department Professional Employees, Local 723 AFSCME, AFL-CIO

Dear Phil:

We write relative to the above, and in follow up to our prior correspondence regarding same, said being dated October 9, 2012.

On Friday September 14, 2012, Judge Colás issued his decision in *Madison Teachers, Inc., et al. v. Walker, et al.* (Case No. 11CV3774). This decision invalidated many of the statutory changes made by 2011 Wisconsin Act 10, including its prohibition on fair share agreements, dues deduction and most subjects of bargaining for all city, county, township and school district employees in the state. By finding portions of Act 10 unconstitutional, those provisions of the law are now void. To be clear, this means that those unconstitutional provisions, including the prohibition on fair share, dues deduction and most subjects of bargaining, cannot be enforced by anybody, party to the lawsuit or not.

In a prior lawsuit (*WEAC et al., v. Walker et al.*), the U.S. District Court found that the annual certification and prohibition on annual dues deduction portions of Act 10 violated the U.S. Constitution. The MTI case differs from the WEAC case in that Judge Colás found the requirement for annual certification and the prohibition on dues deduction, fair share agreements, and most subjects of bargaining a violation of both the United States Constitution and the Wisconsin Constitution. The Defendants requested a stay of the decision and Judge Colás denied the request in all aspects on October 22<sup>nd</sup>. Because the recertification provision (111.70(4)(d)(3)) has been found by a Wisconsin court to violate the Wisconsin Constitution and no other court has found to the contrary, municipal employers are prohibited from enforcing that section.

As the law stands, the Health Department Professional Employees, Local 723, AFSCME, AFL-CIO is a certified bargaining unit. Accordingly, AFSCME Local 723 is hereby providing notice that it desires to commence bargaining on a successor agreement to become effective January 1, 2011. In recognition of the unsettled nature of the law, the Union is open to including language that makes the successor agreement contingent on the outcome of the court rulings.

In addition, Jefferson County is prohibited from making any unilateral changes to mandatory subjects of bargaining, i.e. wages. Be advised that the word wages has been interpreted to embrace within its meaning "direct and economic benefits flowing from the employment relationship" and includes, but is not limited to: base wages, step increases, overtime pay, shift differential, paid holidays, paid vacations, health and welfare, and insurance. Any unilateral changes made to wages and benefits found related to wages is unlawful and charges will be filed.

In addition, and per *MTI v. Walker*, the union requests restoration of the dynamic status quo per the contract ending December 31, 2010.

AFSCME leadership and membership in Jefferson County appreciate the fiscal and organizational concerns confronting employers due to Act 10 and this Court decision. We are committed to working through these challenges with the Jefferson County Board and its representatives, in a cooperative and responsible manner.

Please contact me at your earliest convenience to schedule a date to meet and exchange proposals.

Thank you in advance for your attention to this matter.

Edward A. Sadlowski  
WI AFSCME Council 40  
4400 N. Juniper Drive  
Janesville, Wisconsin 53545  
608-751-4554  
[esadlowski@afscme40.org](mailto:esadlowski@afscme40.org)

Cc: Kathy Cheek, Local 723 AFSCME, AFL-CIO  
Jackie Behm, Local 723, AFSCME, AFL-CIO  
Jim Garity, President, WI Council 40, AFSCME, AFL-CIO  
Martha Merrill, Research Director, WI Council 40, AFSCME, AFL-CIO  
Terri Palm, Jefferson County HR Director  
John M. Molinaro, Chair, Jefferson County Board  
Members of the Jefferson County HR Committee

## Terri Palm

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**From:** Ed Sadlowski [esadlowski@afscme40.org]  
**Sent:** Tuesday, November 06, 2012 8:34 AM  
**To:** Phil Ristow  
**Cc:** Susan Gerstner; Rebecca Arndt; Mary Behm Spiegler; JimG\_1@Charter.net; Martha Merrill; Terri Palm; John Molinaro; James Braugher; James Schroeder; Greg David; Pam Rogers; Dick Schultz  
**Subject:** Demand to Bargain: Human Service Professional Employees, Local 723 AFSCME, AFL-CIO

*Sent Electronically  
November 6, 2012, 2012*

Phil Ristow  
Corporation Council  
Jefferson County  
320 South Main Street, # 110  
[philr@jeffersoncountywi.gov](mailto:philr@jeffersoncountywi.gov)

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RE: Demand to Bargain: Human Service Professional Employees, Local 723, AFSCME, AFL-CIO

Dear Phil:

We write relative to the above, and in follow up to our prior correspondence regarding same, said being dated October 9, 2012.

On Friday September 14, 2012, Judge Colás issued his decision in *Madison Teachers, Inc., et al. v. Walker, et al.* (Case No. 11CV3774). This decision invalidated many of the statutory changes made by 2011 Wisconsin Act 10, including its prohibition on fair share agreements, dues deduction and most subjects of bargaining for all city, county, township and school district employees in the state. By finding portions of Act 10 unconstitutional, those provisions of the law are now void. To be clear, this means that those unconstitutional provisions, including the prohibition on fair share, dues deduction and most subjects of bargaining, cannot be enforced by anybody, party to the lawsuit or not.

In a prior lawsuit (*WEAC et al., v. Walker et al.*), the U.S. District Court found that the annual certification and prohibition on annual dues deduction portions of Act 10 violated the U.S. Constitution. The MTI case differs from the WEAC case in that Judge Colás found the requirement for annual certification and the prohibition on dues deduction, fair share agreements, and most subjects of bargaining a violation of both the United States Constitution and the Wisconsin Constitution. The Defendants requested a stay of the decision and Judge Colás denied the request in all aspects on October 22<sup>nd</sup>. Because the recertification provision (111.70(4)(d)(3)) has been found by a Wisconsin court to violate the Wisconsin Constitution and no other court has found to the contrary, municipal employers are prohibited from enforcing that section.

As the law stands, the Human Services Professional Employees, Local 723, AFSCME, AFL-CIO is a certified bargaining unit. Accordingly, AFSCME Local 723 is hereby providing notice that it desires to commence bargaining on a successor agreement to become effective January 1, 2011. In recognition of the unsettled nature of the law, the Union is open to including language that makes the successor agreement contingent on the outcome of the court rulings.

In addition, Jefferson County is prohibited from making any unilateral changes to mandatory subjects of bargaining, i.e. wages. Be advised that the word wages has been interpreted to embrace within its meaning "direct and economic benefits flowing from the employment relationship" and includes, but is not limited to: base wages, step increases, overtime pay, shift differential, paid holidays, paid vacations, health and welfare, and insurance. Any unilateral changes made to wages and benefits found related to wages is unlawful and charges will be filed.

In addition, and per *MTI v. Walker*, the union requests restoration of the dynamic status quo per the contract ending December 31, 2010.

AFSCME leadership and membership in Jefferson County appreciate the fiscal and organizational concerns confronting employers due to Act 10 and this Court decision. We are committed to working through these challenges with the Jefferson County Board and its representatives, in a cooperative and responsible manner.

Please contact me at your earliest convenience to schedule a date to meet and exchange proposals.

Thank you in advance for your attention to this matter.

Edward A. Sadlowski  
WI AFSCME Council 40  
4400 N. Juniper Drive  
Janesville, Wisconsin 53545  
608-751-4554  
[esadlowski@afscme40.org](mailto:esadlowski@afscme40.org)

Cc: Susan Gerstner, President, Local 723 AFSCME, AFL-CIO  
Rebecca Arndt, Local 723, AFSCME, AFL-CIO  
Mary Behm Spiegler, Local 723, AFSCME, AFL-CIO  
Jim Garity, President, WI Council 40, AFSCME, AFL-CIO  
Martha Merrill, Research Director, WI Council 40, AFSCME, AFL-CIO  
Terri Palm, Jefferson County HR Director  
John M. Molinaro, Chair, Jefferson County Board  
Members of the Jefferson County HR Committee

## Terri Palm

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**From:** Ed Sadlowski [esadlowski@afscme40.org]  
**Sent:** Tuesday, November 06, 2012 8:34 AM  
**To:** Phil Ristow  
**Cc:** Susan Gerstner; Rebecca Arndt; Mary Behm Spiegler; JimG\_1@Charter.net; Martha Merrill; Terri Palm; John Molinaro; James Braughler; James Schroeder; Greg David; Pam Rogers; Dick Schultz  
**Subject:** Demand to Bargain: Human Service Professional Employees, Local 723 AFSCME, AFL-CIO

*Sent Electronically  
November 6, 2012, 2012*

Phil Ristow  
Corporation Council  
Jefferson County  
320 South Main Street, # 110  
[philr@jeffersoncountywi.gov](mailto:philr@jeffersoncountywi.gov)

RE: Demand to Bargain: Human Service Professional Employees, Local 723, AFSCME, AFL-CIO

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Martha Merrill, Research Director, WI Council 40, AFSCME, AFL-CIO  
Terri Palm, Jefferson County HR Director  
John M. Molinaro, Chair, Jefferson County Board  
Members of the Jefferson County HR Committee



October 16, 2012

To: Human Resources Committee Members

RE: Implementation of the new Classification and Compensation pay plan

There are several options of methods of implementation of a new pay plan. Unfortunately, there probably is no single way that will please everyone. Therefore, the recommendation from Human Resources is to implement in the following manner:

1. Green-circled employees will go to the minimum step on January 1 (effective the first pay roll after January 1 in accordance with pay raise practice). If the minimum step is less than a step the employee would have received on their individual step-increase date (anniversary date), then the employee will move to the next step of the new pay plan on their step-increase date. Their step-increase date does not change. This affects approximately 30 employees.
2. If the minimum step is greater than a step the employee would have received on their individual step-increase date, the employee receives no additional movement in steps in 2013, and January 1 becomes the employees new step-increase date. This affects approximately 30 employees.
3. Red-circled employees remain at the current rate of pay until the new pay plan is adjusted upward to the point the employee now is placed on the top step of the applicable range. This currently affects approximately 50 employees.
4. Employees who are currently in steps, and will continue to be in steps in the new pay plan, will, on their individual step-increase date, receive the next step in the current pay plan/range, and use this rate to be placed into the step that provides an increase in the new pay plan. The employee retains their current step-increase date. This affects approximately 170 employees.
5. Employees who are currently at the top step ("maxed out" in steps) will, on their hire date, be placed in the new pay plan at the step that provides an increase. The employee's hire date becomes the step-increase date for future step increases. This affects approximately 150 employees.

The County has budgeted approximately \$165,000 in the 2013 budget for step increases in our current plan, as well as \$250,000 for plan implementation. The total gross cost of the above implementation is approximately \$386,000. I believe the County has sufficient funds to implement this plan in 2013.

Respectfully submitted,

Terri M. Palm  
Human Resources Director

October 3, 2012

Carlson Dettmann Consulting

Jefferson County Classification and Compensation Study  
Implementation Recommendations for Consideration

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1. January 1, 2012: Move anyone whose current hourly pay is below the minimum of their proposed pay grade to the minimum of the grade and place all others at the next step in the proposed grade that provides an increase pay. Red-circle all employees whose pay is above the proposed maximum of their grade. We recommend that no employee's pay be cut. Different options of how to handle red-circled employees in regard to pay increase can be explored.
2. Option Two would be the same as "Option One", however, any substantial increases would be implemented over a two to three year period. A defined dollar amount or a percentage of pay would be established to define "substantial". For example, any increases exceeding 5% of the employee's current pay would be spread out and implemented over a two year period.
3. January 1, 2012 bring employees to the minimum of their proposed pay grade and move people to the next step that provides an increase on their anniversary date. You can also implement any substantial increases over a two to three year period. Red-circled all employees whose pay is above the proposed maximum of their grade.
4. All on anniversary date, give step than into step system. If at max and going into system, no extra step. \$397,775.20
5. Green on 1/1, and step on anniv date. Everyone else on anniversary date and give step after going into system. \$453,448.27
6. Move everyone on 1/1 and give step if due for one on that date (those maxed start steps in 2014 - when??? Jan 1 move everyone or on hire date) \$508,131.41

\$2578,539.97

\$221,579.92

\$558,324.7

Termin notes  
MLU

36, 854,842.21

**2013 Budget  
Jefferson County  
Proposed Supervisor Amendment**

By Supervisor(s) Human Resources Committee

Amendment # 11

To amend the 2013 Recommended Budget, as amended by the Finance Committee,  
I (we) hereby propose:

To add Jail Nurses to the Classifications of Authorized County Positions. The change in these positions will be added to the Health Department employee listing, but be utilized at the Jail.

Currently the Health Department uses LPN's at the jail and is finding it difficult to fill these positions. This change will allow the departments to be able to utilize 2-yr degree RN's at an increased cost.

Remove: Occasional PT RN's, Public Health Technicians and WIC Peer Counselors, as needed. (pgs. 7 and 254)  
Add: Occasional PT RN's, Public Health Nurses, Jail Nurses, Public Health Technicians and WIC Peer Counselors, as needed. (pgs. 7 and 254)

I (we) estimate that this proposed amendment would increase / decrease (circle one) the tax levy by \$ 0

I (we) also propose offsetting any tax levy increase / decrease (circle one) with a tax levy Increase / decrease (circle one) to the following department(s) and/or program area(s):

DRAFT

Bus Unit Description	Bus Unit	Account Number	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Other Sources Increase (Decrease)	Net Levy Increase (Decrease)
Jail-Wages Skilled Nurse	2201	511210.602	\$ 1,350			\$ 1,350
Jail-FICA Skilled Nurse	2201	512141.602	\$ 104			\$ 104
Jail-Medical Reimbursement	2201	452012		\$ 1,454		\$ (1,454)
Jail Assessment-Med Reimb	2203	521211	\$ 1,454			\$ 1,454
Jail Assessment-Reserve	2203	594950	\$ (1,454)			\$ (1,454)
						\$ -
						\$ -
<b>Totals</b>			<b>\$ 1,454</b>	<b>\$ 1,454</b>	<b>\$ -</b>	<b>\$ -</b>

Finance Member	Aye	Noe
Braugler, Jim		
Hannemann, Jennifer		
Jones, Dick		
Mode, Jim		
Molinaro, John		
Result	0	0

*Fiscal note:  
The additional cost of the changed positions will be added to the salaries in the Jail Division and offset by jail assessment reserves.*

**County Board voting record**

- Ayes
- Noes
- Absent
- Abstain

**RESOLUTION NO. 2012 - \_\_\_\_\_**

**Resolution creating one Dementia Care Specialist Project Employee for ADRC at Human Services Clinic**

WHEREAS, Jefferson County is committed to providing information, assistance and support to persons diagnosed with dementia and their caregivers, and

WHEREAS, the prevalence of Alzheimer's Disease is nearing epidemic proportions and it is a public health concern, affecting approximately 14% of the total population 65+ living alone in Jefferson County, and

WHEREAS, the Human Services ADRC has received a grant from the State of Wisconsin Department of Health Services for \$69,261 to fund a Dementia Care Specialist Project Employee for one year, and

WHEREAS, the Dementia Care Specialist position would support persons suspected of having or diagnosed with dementia and their caregivers, including providing case management coordination between individuals, their families and physicians, and

WHEREAS, the Human Services Board, the Alzheimer's Association of Southeastern Wisconsin, the Jefferson County Health Department Director/Health Officer, and the Jefferson County Law Enforcement Association support the pilot position and the mutual goal to connect individuals and caregivers to needed services, and

WHEREAS, it is understood the Dementia Care Specialist position is a grant-fund project employee and will be eliminated when funding is exhausted, and

WHEREAS, after due consideration, the Human Resources Committee recommends the changes proposed by the Human Services Board and the Jefferson County Human Services Director.

NOW, THEREFORE, BE IT RESOLVED that the 2012 and 2013 County Budgets setting forth position allocations in the ADRC and Aging Services Division at Human Services be and is hereby amended to reflect the above change, to become effective upon passage of this resolution.

*Fiscal Note: The Limited Term Dementia Care Specialist Project employee will be fully funded by the State of Wisconsin Department of Health Services. The funds in the amount of \$69,261 will be in the form of an amendment to the ADRC contract. These funds will be allocated as follows: \$41,825 for salary, \$4036 in fringe benefits, \$1600 in supplies, \$2000 in training, \$4800 for travel expenses and \$15,000 in miscellaneous overhead costs. No additional funds are required in 2012 or 2013. As a budget amendment, 20 affirmative votes are required for passage.*

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

ABSTAIN \_\_\_\_\_