

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

County Board Staff Committee
INITIATED BY

County Board Staff Committee
SUBMITTED BY



Dave O'Connell, HR Director
DRAFTED BY

July 1, 2014
DATE DRAFTED

**TO RATIFY THE 2014 LABOR AGREEMENT BETWEEN ROCK COUNTY
AND
THE CORRECTIONAL OFFICERS IN THE SHERIFF'S OFFICE**

- 1 **WHEREAS**, the County is subject to 111.70 of the Wisconsin Statutes; and,
- 2
- 3 **WHEREAS**, representatives of the Correctional Officers Association have met with the County's Bargaining
- 4 Team in an attempt to arrive at a mutual agreement on wages, hours and conditions of employment; and,
- 5
- 6 **WHEREAS**, the parties arrived at a tentative agreement on wages, hours and conditions of employment on
- 7 June 27, 2014; and,
- 8
- 9 **WHEREAS**, the proposed wage settlement represents an across the board wage increase of 1.5% effective
- 10 January 1, 2014 for all members of the unit, and an additional increase for some members of the unit due to
- 11 modifications in the wage grid; and,
- 12
- 13 **WHEREAS**, the membership of the Association has ratified the agreement; and,
- 14
- 15 **WHEREAS**, a summary of the contractual agreement is attached.
- 16
- 17 **NOW, THEREFORE, BE IT RESOLVED**, that the Rock County Board of Supervisors assembled this
- 18 10 day of July, 2014 does hereby ratify the terms and conditions of the 2014 labor
- 19 agreement between Rock County and the Correctional Officers Association.

Respectfully Submitted,

COUNTY BOARD STAFF COMMITTEE

J. Russell Podzilni
J. Russell Podzilni, Chair

Sandra Kraft
Sandra Kraft, Vice Chair

Eva Arnold
Eva Arnold

Henry Brill
Henry Brill

Betty Jo Bussie
Betty Jo Bussie

Absent
Mary Mawhinney

Louis Peer
Louis Peer

Alan Sweeney
Alan Sweeney

14-7A-074

TO RATIFY THE 2014 LABOR AGREEMENT BETWEEN ROCK COUNTY AND THE CORRECTIONAL OFFICERS ASSOCIATION

Page 2

FISCAL NOTE:

<u>Base Compensation</u>	<u>ATB Wage Compensation</u>	<u>Add'l Base Compensation</u>	<u>Overall % Inc.</u>
\$4,882,064	1.5% eff.1/1/2014	\$54,271	1.1%
<u>Increase due to the modifications to the 1/1/2014 wage grid:</u>			
		\$53,231	1.1%
		<u>Total</u>	<u>2.2%</u>

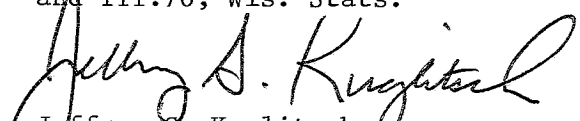
Increase in Uniform Reimbursement effective 1/1/2014:

<u>2013 Rate</u>	<u>2014 Rate</u>	<u>Increase</u>	<u># of Officers</u>	<u>New Cost</u>
\$485	\$635	\$150	78	\$11,700


 Sherry Oja
 Finance Director


LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01 and 111.70, Wis. Stats.


 Jeffrey S. Kuglitsch
 Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.


 Craig Knutson
 County Administrator

TO RATIFY THE 2014 LABOR AGREEMENT BETWEEN ROCK COUNTY
AND
THE CORRECTIONAL OFFICERS IN THE SHERIFF'S OFFICE

Executive Summary

Prior to 2013 the Correctional Officers who work for the Sheriff's Office in the Rock County Jail were a part of the AFSCME 2489 bargaining unit. This was a unit of approximately 350 employees in clerical, administrative and para-professional positions in several Rock County Departments. The contract was written very broadly to cover many different job classes and various employment situations.

As a result of changes brought about by Act 10 of the 2011 Legislature (the so called "Budget Repair Bill") bargaining units were either classified as "general employee units" or "law enforcement units." The AFSCME 2489 unit is a general employee unit, whereas the Deputy Sheriff's and Deputy Sheriff's Supervisor units are classified as law enforcement units. Due to Act 10 the general employee units no longer had the ability to bargain about anything other than base wages, whereas law enforcement units still had the ability to bargain a complete contract. Employees in the general units also had to begin paying the employee share of their Wisconsin State Retirement (WRS) contribution when their 2011 contract expired. This meant that all of the employees in the Rock County general employee units: AFSCME 1077, AFSCME 1258, AFSCME 2489, AFSCME 2489-Y, AMHS-HSD, AMHS-RH, SEIU Public Health Nurses, and the Rock County Attorney's Association had to pay 5.9% of their salary into their WRS retirement in 2012; 6.65% in 2013; and 7.0% in 2014. As part of AFSCME 2489 unit the Correctional Officers paid the 5.9% in 2012 and the 6.65% in 2013.

In 2013 the Correctional Officers in Rock County sought to be removed from the AFSCME 2489 general unit and have their own bargaining unit which would be designated as a law enforcement unit. Under Act 10 this would give them the right to bargain a complete contract and not require them to pay the employee share of their WRS contribution.

The issue of whether "jailers" should be in a law enforcement or a general employee unit was first raised in a Wisconsin state court law suit involving Douglas County, the Wisconsin Employment Relations Commission (WERC), and the Wisconsin Professional Police Association (WPPA). Douglas County had taken the position that their jailers were not law enforcement because they were not "sworn" and did no law enforcement duties other than work in the jail. The WERC agreed with that position. The WPPA challenged that decision in the 4th District Court of Appeals and the Appellate Court ruled that the determining factor was not the swearing in, or the duties, but rather the fact that the employees had protective status. They ruled that since the jailers had "protective status" they were in fact law enforcement. Thus they had the right to negotiate a full and complete contract. The Appellate Court decision was not appealed to the Wisconsin Supreme Court so it stands as the current law.

[Employees with Protective Status are: law enforcement personnel, including correctional officers, firefighters covered under Social Security, and participants working in positions as defined in WRS statutes as protective occupation employment. Under the State of Wisconsin Employee Trust Fund retirement program, the normal retirement age for general employees is 65. For protective status occupations it is 54 with less than 25 years of service, and 53 with 25 or more years of service. The minimum retirement age is 55 for most general employees and 50 for those employees in protective service occupations.]

Rock County's jailers have had protective status for some 40 years dating back to the first few CETA employees who worked in the jail. Based on the Douglas County decision Rock County agreed to create a separate bargaining unit for the Sheriff's Office jailers. The employees in that unit voted to change from being an AFSCME bargaining unit to being represented by the WPPA. The WPPA and the County began working on a first contract for this newly recognized group towards the end of 2013. The initial contract proposals for the newly created unit were based on the 2014 AFSCME 2489 contract, but modified to meet the different employment situation experienced by the 24/7 jailers in the Sheriff's Office. That bargaining resulted in a tentative agreement on June 27, 2014.

In addition to the 1.5% across the board salary increase that every Rock County employee received in 2014 (except the Deputy Sheriff's Supervisors who have not yet settled), this agreement also dealt with another issue. The AFSCME 2489 contract provided for longevity steps at 60 months, 120 months, 180 months, and 240 months. While this worked well for employees in a general clerical, administrative, paraprofessional unit; it did not recognize the unique job requirements and stresses associated with a 24/7 jail operation. The County therefore agreed to a proposal by the WPPA to shorten the time necessary for the Correctional Officers to reach the top longevity step. We did this by changing the 180 month step to 84 months and changing the 240 month step to 120 months. This involved 32 employees out of the unit of 78 employees. As part of this bargain the Correctional Officers agreed to continue to pay the employee share of their WRS contribution (7.0% in 2014).

The 2014 Deputy Sheriff's contract and the current proposals for the Deputy Sheriff's Supervisors contained a revised uniform allowance effective 1/1/2014. For the Deputy Sheriffs the 2013 rate was increased by \$325 from \$700 to \$1,025 in order to keep up with inflation and the employee's relative buying power. The Correctional Officers received a comparable increase to their uniform allowance language which moved them from \$485 annually to \$635.