

2009 DRAFTING REQUEST

Bill

Received: 02/25/2009

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Tamara Grigsby (608) 266-0645

By/Representing: Cindy McGinnis

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters: rchampag
chanaman
mshovers

Subject: Public Assistance - food stamps
Public Assistance - med. assist.
Public Assistance - Wis works
Public Assistance - misc
Local Gov't - counties
Employ Pub - collective bargain
Employ Pub - employee benefits
Employ Pub - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Grigsby@legis.wisconsin.gov

Carbon copy (CC:) to: Diane.Welsh@dhs.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

State takeover of Milwaukee County income maintenance and child care subsidy programs

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 03/05/2009			_____			

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	mshovers 03/12/2009			_____			
/P1	pkahler 03/18/2009	csicilia 03/20/2009	mduchek 03/20/2009	_____	cduerst 03/20/2009		S&L Retire
/1	pkahler 04/02/2009	csicilia 04/03/2009	phentry 04/03/2009	_____	sbasford 04/03/2009		S&L Retire
/2	pkahler 04/03/2009 rchampag 04/03/2009	csicilia 04/06/2009	mduchek 04/06/2009	_____	sbasford 04/06/2009		S&L Retire
/3	pkahler 04/06/2009	csicilia 04/07/2009	jfrantze 04/07/2009	_____	sbasford 04/07/2009	cduerst 04/07/2009	

FE Sent For: *at anto*
4/7/09

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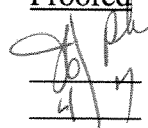
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/?

pkahler
03/05/2009

Grigsby 4/6 MD
09 4/6 MD
PKA

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

CJS

MD MDPH
3/20
<END>

FE Sent For:

Kahler, Pam

From: Dodge, Tamara
Sent: Tuesday, February 17, 2009 8:43 AM
To: Kahler, Pam; Malaise, Gordon
Subject: FW: Language for State takeover of Milwaukee County Income Maintenance services

Attachments: MKE IM stat 2 12 09 (2).doc



MKE IM stat 2 12 09
(2).doc (3...

am and Gordon -

I received a call last evening regarding this email. I told Cindy that if I was not the appropriate drafter I would pass it on. Looking at the attachment, it just doesn't seem like a health draft. It touches on DCF and income maintenance (public assistance?). It looks like possibly Rick (public employment) and maybe Cathlene (collective bargaining) may be involved as well.

Grigsby's office is requesting this draft on behalf of DHS. If you have questions about the request, Cindy has asked that we talk directly to DHS. Please let Cindy know who will be handling this.

Tamara J. Dodge
Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

-----Original Message-----

From: McGinnis, Cindy
Sent: Monday, February 16, 2009 5:25 PM
To: Dodge, Tamara
Cc: Holmes, Rea L - DHS
Subject: Language for State takeover of Milwaukee County Income Maintenance services

Hi Tammy,

Attached is the legislative language for the state takeover of the administration of the Milwaukee County Income Maintenance programs.

If you have any questions, please contact DHS Legal Counsel, Diane Welsh, directly at 266-9622.

61404

Thanks

Cindy McGinnis
Office of State Representative Tamara Grigsby
324 East State Capitol
PO Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

Legislative Changes to Implement State Assumption of Direct Responsibility for Milwaukee County Income Maintenance & Certain Child Care Administrative Functions

Introductory Notes:

The goal of this legislation is to enable the State to assume management responsibility for income maintenance functions in Milwaukee County, while maintaining the existing county workforce for most of the day-to-day operational work. We also hope to remove disincentives or barriers to county workers becoming state supervisors or managers.

We believe that most of the collective bargaining issues will be covered by the collective bargaining agreement. The State and Union may set further terms and conditions of the labor-management relationship through an MOU. We do not believe that we need separate statutory authority to enter into an MOU with the union—if the drafter believes otherwise, please let us know.

CMH
?

relate to 2. below ?

Milwaukee County is expected to maintain its current level of contribution to the income maintenance program (adjusted upward slightly annually).

1. Create a Milwaukee enrollment services unit within the Department of Health Services (“Department”) with state managers and supervisors with authority to supervise non-supervisory staff who will be employees of Milwaukee County. This will require amending Wis. Stat. § III.81(19). The unit will perform the income maintenance functions previously contracted to the County under § 49.78, along with functions for the child care subsidy program (under § 49.155) as designated by the Department of Children and Families.

15-02(3)(d)3.

Modify s. 49.155 (3)(a) to include the phrase “or the Milwaukee county enrollment services unit” after “46.23.”

Modify s. 49.155(3)(b) to include:

“The county department under s. 46.215, 46.22 or 46.23 shall administer child care assistance under this section. In administering child care assistance under this section, the Department may require the county departments under s. 46.215, 46.22 or 46.23 shall to do all any of the following:

2. The Department shall have the authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline employees, and to adjust their grievances. The County will perform all administrative tasks related to payroll and benefits for the workers. Workers will retain all transfer rights currently available under their collective bargaining agreement. To the extent that civil service laws (including § 63.10), county work rules or an existing collective bargaining agreement are in conflict with any Memoranda of Understanding between the State and the Union, the MOU will control.

county employees
?

3. Wis. Stat. Ch 230 civil service rules regarding hiring will apply to all staff rather than Wis. Stat. Ch 63 or Milwaukee County civil service rules for hiring. (See

County employees?

look at 48.48

§§ 230.44 and 230.45). Wisconsin Employment Relations Commission will have jurisdiction over any appeal filed by an applicant for employment.

NB: Consider if we need statutory language clarifying that the State is the employer for all purposes of fair labor standards, employment discrimination, etc.

9. ~~*~~ Create similar authority for County staff performing functions under s. 49.197 that are supervised by the Department of Children and Families. ? *Does Mil DCF contract w/ DHS*

in budget

4. Because the State and Union intends to negotiate some terms and conditions of the employee/employer relationship through an MOU, consider whether it is necessary to modify the statutes so that the list of prohibited practices in §§ 111.70(3)(a)5 and 7, and (b)4 and 6, Stats., does not apply to the Milwaukee enrollment services unit.

5. County employees who are hired into supervisory positions will become state employees. They will have the option to choose whether to remain in the County retirement system or switch to the WRS (as was done when ADAs became state employees). They will be eligible for the state health plan, and other state benefits. The State would waive the 2-month waiting period for state contribution to group health premiums. The amount of vacation would be based on their years of service in both the county and state positions.

6. In CY 09, Milwaukee County shall expend no less than \$3,559,800 for the operation of income maintenance programs. In each subsequent year, Milwaukee County's contribution will be this amount, plus a percentage increase that is commensurate with the increase in value to the wage and benefit package for represented employees.

7. Modify § 49.785 to indicate that the Milwaukee Enrollment Services unit could handle payment of these funeral expenses.

8. To clarify that the Department may, but is not required, to contract with Milwaukee County for income maintenance functions, modify § 49.78(2) to state:

(2) CONTRACTS. Annually for the income maintenance program functions that the department delegates, the department and county departments under ss. 46.215, 46.22, and 46.23 shall contract, and the department and tribal governing bodies may contract, for the department to reimburse the county departments and tribal governing bodies for the reasonable cost of administering income maintenance programs.

9. Non-Stat Provisions

✓ a. On the effective date of this paragraph, all records in the possession of Milwaukee County primarily related to eligibility processing for income maintenance programs will be transferred to the department of health services. The Milwaukee County department of health and human services and the department of health services shall jointly identify

and case too?

Assistant District attorney?

*AF
call about
this*

these records and shall jointly develop and implement a plan for the orderly transfer thereof.

- ✓ b. In calendar year 2009 the department of health services may expend not more than [xxx]* from the appropriation accounts in s. 20.435(4)(a), (4)(bn) and/or (4)(nn) to reimburse Milwaukee County for its costs in administering the income maintenance programs.

* yet to be calculated

- ✓ c. On the effective date of this paragraph, the department of health services will begin transition of income maintenance programs and Milwaukee County will cooperate as requested. The department of health services will develop a transition plan that will include the reporting, exchange of information and staff deployment that the department of health services will need for the transition and that the Milwaukee County department of health and human services shall provide. In the event of any disagreement, the secretary of the department of administration shall resolve the dispute.

- ✓ d. For CY 2009, Milwaukee County shall continue to perform the functions as required in its 2009 income maintenance contract with the department of health services until the department notifies Milwaukee County that it is ready to take over the function. For subsequent years, the department of health services and Milwaukee County shall contract for the tasks that the department of health services requires of Milwaukee County to assist the department in administering the income maintenance programs.

- ✓ e. Milwaukee County will maintain the number of authorized FTE positions available for income maintenance programs that were authorized on February 1, 2009 and will make this number of FTE positions available to the department of health services to perform the income maintenance functions.

does Milw Co have FTE positions?

*at least the number
& state can
increase*

Questions may be directed to Diane Welsh, Department of Health Services.

Kahler, Pam

From: Welsh, Diane M - DHS [Diane.Welsh@dhs.wisconsin.gov]
Sent: Friday, March 06, 2009 11:41 AM
To: Kahler, Pam; Champagne, Rick; Hanaman, Cathlene; Shovers, Marc
Subject: LRB 2235

Thank you for the opportunity to meet to discuss drafting the bill for Milwaukee income maintenance.

Following is some additional information, with more to follow:

The current collective bargaining agreement between the county and Council 48 has expired.

We do envision having a seat at the bargaining table with the County and union, and then being able to negotiate an MOU to further define the terms and conditions for the subset of Council 48 members who work in the enrollment unit.

I will send you an org chart breaking down state/county employees and functions early next week.

We are going to propose some modification to:

20.435(4) (bn) -- appropriations

* 49.497, 49.793, and 49.847 -- recovery of overpayments, fraud I hope to send those to you very early next week.

* Records--it may make more sense to transfer records on Jan. 1, 2010 (or within 15 days of then--or something like that), because MKE will need their records until we take over.

We don't understand the cap on department expenditures (p. 9, lns 4-7).

* We don't want to assume responsibility for their contracts or pending matters.

Please refer DCF questions to Bob Nikolay.

Thanks.

Diane

Diane Welsh
Chief Legal Counsel
Wisconsin Department of Health Services
(608) 266-1404

~~290-8905~~
261-4349

NOTICE: This e-mail and any attachments may contain confidential information and/or information protected by the attorney-client privilege. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations, and agreements. If you received this e-mail in error, please notify me; delete this e-mail; and do not use, disclose, or store the information it contains.

Kahler, Pam

From: Welsh, Diane M - DHS [Diane.Welsh@dhs.wisconsin.gov]
Sent: Monday, March 09, 2009 12:00 PM
To: Kahler, Pam
Subject: MKE IM Draft

Attachments: DOC001.PDF



DOC001.PDF (136
KB)

Pam,

Attached is a DRAFT of the org chart for Milwaukee enrollment services. I hope this helps clarify which employees will be state or county employees, represented or not.

Please share as needed for drafting.

Diane
Diane Welsh
Chief Legal Counsel
Wisconsin Department of Health Services
(608) 266-1404

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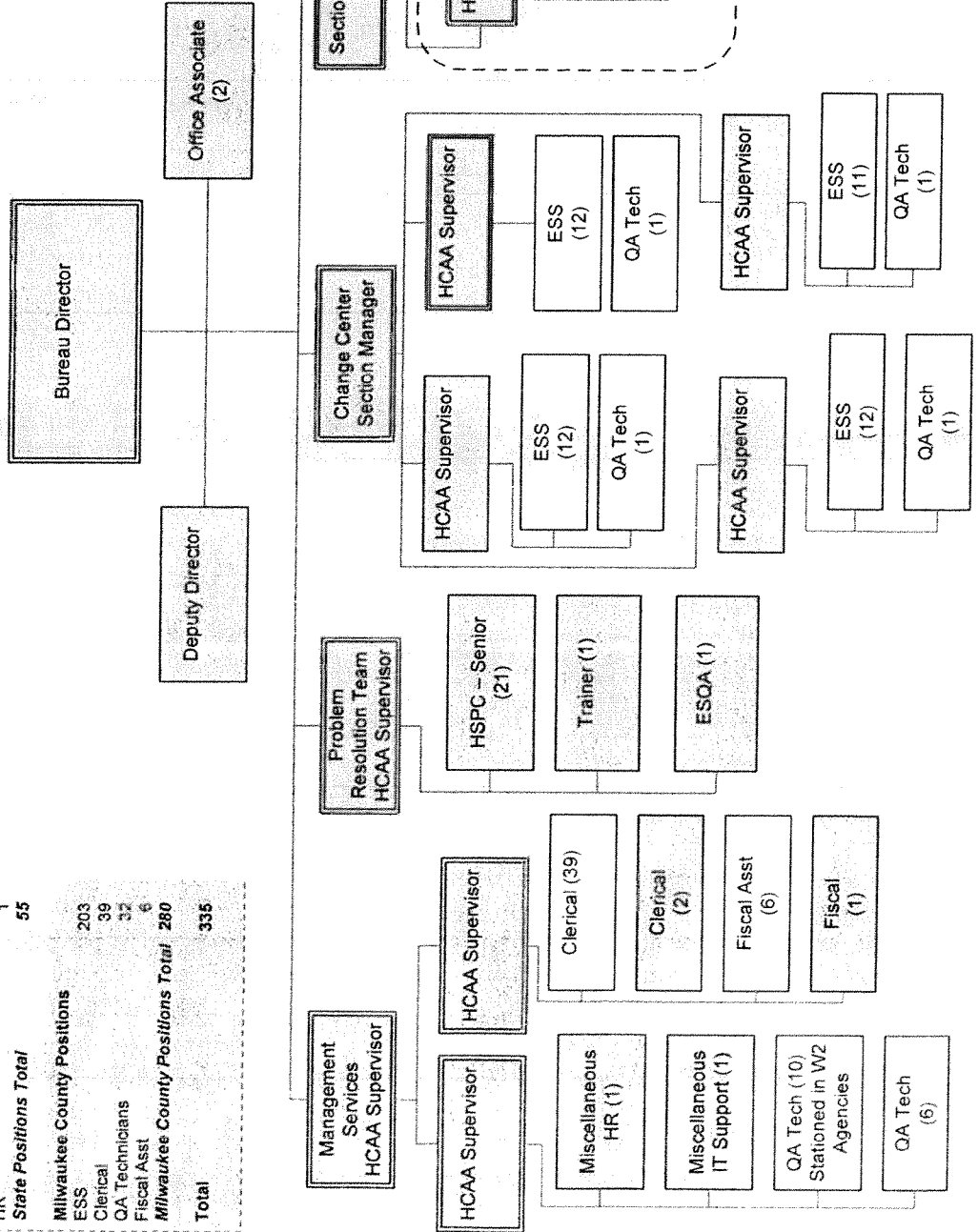
DHS Milwaukee Enrollment Services (MILES)

With SHARES Functions Included

DRAFT

Position Totals

State Positions	1
Bureau Director	1
Deputy Director	5
Section Manager	18
HCAA Supervisor	21
HSPC-Senior	4
Office Associate	1
ESQA	1
Trainer	1
IT support	1
Fiscal	1
HR	1
State Positions Total	55
Milwaukee County Positions	203
ESS	39
Clerical	32
QA Technicians	32
Fiscal Asst	6
Milwaukee County Positions Total	280
Total	335



Note: Milwaukee County is currently in the process of filling QA Tech (9) and ESS (37) positions.

Milwaukee Enrollment Services

3/4/2009

Current Milwaukee County Staff ¹				Bilingual (Filled)			
Worker Type	Union	Total Positions	Number of Filled Positions	Vacancies	Spanish	Vietnamese	Unspecified
Child Care	Union	27	21	6	1		2
Clerical	Union	43	31	12			
Clerical	Non-Represented		9				
Energy	Union	5	4	1			
ESS	Union	206	166	40	13	1	1
QA Tech	Union	33	23	10			
Fiscal	Union	8	6	2			
Management	Non-Represented	37	30	7			
Training	Union	6	6				
Total		374	296	78	14	1	3

¹ Staff are located at: W-2 agencies, in the Mobile Van, Halfway Houses, La Causea, Community Advocates, Milwaukee Public Schools, Boys and Girls Club, St. Joseph's Hospital, Froedtert Memorial Hospital, Community Care, Reuss Federal Building, and Coggis Building.

New Mobile Milwaukee County Enrollment Services						
State Positions	Number of Positions Filled	Milwaukee Positions	Total Positions	Number of Positions Filled	Number of Vacancies	Remaining Vacancies
Bureau Director	1		203	166	37	3
Deputy Director	1		39	39		12
Section Manager	5		32	23	9	1
HCAA Supervisor	18		6	6		2
HSPC-Senior	21					
Office Associate	4		280	234	46	18
ESOA	1					
Trainer	1					
IT support	1					
Fiscal	1					
HR	1					
State Total	55					
Total Positions (state and county)	335					

Current Milwaukee Positions Not Included in the New Model			
Worker Type	Union	Number of Filled Positions	Number of Vacancies
Child Care	Union	21	2
Clerical ²	Non-Rep	1	1
Energy	Union	4	4
Management	Non-Rep	30	6
Training	Union	6	6
Total	Total	62	62

² Positions moving to DCF
³ The only clerical position not taken: Admin Coord D/C Enforcement.

DRAFT

Kahler, Pam

From: Malofsky, Shelley F - DHS [Shelley.Malofsky@dhs.wisconsin.gov]
Sent: Tuesday, March 17, 2009 4:12 PM
To: Kahler, Pam
Cc: Welsh, Diane M - DHS; Forsaith, Andrew C - DHS
Subject: RE: LRB 2235

Pam - we have it sorted through.

For incentives under 49.496(4) [estate recovery] and 49.89(7) [subrogation], the money should go into appropriation 20.435(4) (im).

For incentives under 49.497(2) [medicaid and BC+ overpayments], 49.793(2) [food stamp overpayments] and 49.847(3) [fraud/error reduction activities], the money should go into appropriation 20.435(4) (L).

You are correct that it would be the recoveries made by employees of Milwaukee County. You could revisit our earlier suggestion of referring to recoveries 'by the department employees or officers, or by Milwaukee County employees or officers under the management of the department.'

Thanks.

Shelley

-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, March 17, 2009 9:51 AM
To: Malofsky, Shelley F - DHS
Subject: RE: LRB 2235

Shelley:

When you send me the appropriations, could you also indicate the applicable statute under which the recovery is made? Also, do you want the applicable statutes to say that all moneys recovered by employees of Milwaukee County would be credited to those appropriations? (Since the statute will already say that a certain portion of moneys recovered by county employees may be retained by the county.) Thanks!

Pam

-----Original Message-----

From: Malofsky, Shelley F - DHS [mailto:Shelley.Malofsky@dhs.wisconsin.gov]
Sent: Tuesday, March 17, 2009 8:57 AM
To: Kahler, Pam
Cc: Welsh, Diane M - DHS
Subject: RE: LRB 2235

Pam,

Diane asked that I respond. First, eliminate the provision regarding the expenditure cap. We discussed it internally and have decided it is not necessary.

Next, we want all the IM incentives that Milwaukee County can now earn to instead be put into appropriations for DHS's administrative costs. That will include incentives for estate recovery, subrogation, and recoveries of overpayments of medicaid/BC+ and FoodShare including those due to fraud/error reduction activities. I am trying to nail down with program and fiscal staff which appropriation(s) that should be. I will follow up with you later today.

Thanks.

Shelley

-----Original Message-----

From: Welsh, Diane M - DHS
Sent: Monday, March 16, 2009 10:25 AM
To: Malofsky, Shelley F - DHS
Subject: FW: LRB 2235

Shelley--

Will you please draft a full response to Pam's questions, and then expand for subro, or as otherwise needed?

Thanks.

Diane Welsh
Chief Legal Counsel
Wisconsin Department of Health Services
(608) 266-1404

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-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Friday, March 13, 2009 12:16 PM
To: Welsh, Diane M - DHS
Subject: RE: LRB 2235

Diane:

I'm not really sure what more is accomplished with the changes under 1. B. if we just specify that a portion is retained.

Currently, under s. 49.493 (2), a county may retain 15%, so that means that DHS retains 85%, and the portion DHS retains goes into s. 20.435 (4) (L). Did you mean that a portion of the 15% that the county normally may retain (in addition to the 85%) is retained by DHS and goes into s. 20.435 (4) (im)? Would that portion be specified by rule?

Under s. 49.793, a county may retain a portion (rather than a specified amount) of what they recover, and DHS is supposed to have promulgated a rule as to what portion. The amount DHS retains also goes into s. 20.435 (4) (L). So do you want a portion of the portion that the county may retain to be retained by DHS and to go into s. 20.435 (4) (im)? Since the portion the county retains now is specified in rule, couldn't the rule simply specify the new portion that the county retains?

Under s. 49.847, a county also may retain a portion. So do we really need to further divide the portion since the amount is not specified? The amount the state retains goes into s. 20.435 (4) (L) also.

Maybe we just need to amend s. 20.435 (4) (im) to receive a portion of the state's portion [the portion of the portion that does not go into s. 20.435 (4) (L)] under ss. 49.497, 49.793, and 49.847 for the same purpose as we added to s. 20.435 (4) (bn).

Pam

-----Original Message-----

From: Welsh, Diane M - DHS [mailto:Diane.Welsh@dhs.wisconsin.gov]
Sent: Friday, March 13, 2009 10:57 AM
To: Kahler, Pam
Cc: Champagne, Rick; Hanaman, Cathlene; Shovers, Marc
Subject: RE: LRB 2235

1. Here are the proposed revisions:

A. Income Maintenance Appropriation amendments:

Modify the appropriation to allow the Department of Health Services to utilize funds in appropriation 20.435 (4) (bn) for income maintenance activities performed by the Department on behalf of a local entity.

B. Fraud amendments:

Amend 49.497 (2), 49.473 (2), and 49.847 (3) to specify that a portion of any funds recovered by the Department employees or officers, or by Milwaukee County employee or officers under the management of the Department of Health Services, the funds will be retained by DHS in appropriation 20.435 (4) (im) to offset state administrative costs.

Desired Effective Date: Upon passage of the Bill

2. I am hunting down the # for the expenditure cap and will get something to you soon on that.

3. Thank you!

Diane Welsh
Chief Legal Counsel
Wisconsin Department of Health Services
(608) 266-1404

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-----Original Message-----

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Friday, March 13, 2009 10:17 AM
To: Welsh, Diane M - DHS
Cc: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS; Shovers, Marc - LEGIS
Subject: RE: LRB 2235

Diane:

For my part, I haven't received any of the proposed changes to ss. 20.435 (4) (bn), 49.497, 49.793, or 49.847 that you hoped would be coming over this week. I haven't received the amount that you want to use as the department's expenditure cap (if you still want that provision). I called Bob Nikolay and he said the changes in the budget were not intended to address the situation in Milwaukee and that he would send some proposed changes to me to address the situation, but I haven't received anything yet. As for the expected timeframe, I would think we could get something to you relatively soon after we receive what we need from you and Bob Nikolay. I will leave the answer to the question about whether we need another meeting up to the drafter(s) with the labor relations issues.

Pam

-----Original Message-----

From: Welsh, Diane M - DHS [mailto:Diane.Welsh@dhs.wisconsin.gov]
Sent: Friday, March 13, 2009 10:03 AM
To: Champagne, Rick; Hanaman, Cathlene; Kahler, Pam; Shovers, Marc
Subject: LRB 2235

Hello--

I just wanted to follow up to find out what information you may still need from DHS to complete drafting, and to confirm that you were able to connect with DCF to get any needed information.

Do we need to meet to further discuss how we would like the HR/labor relations to work? If so, I'd like to invite staff who have been working on that aspect of the transition.

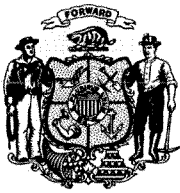
What is the estimated timeframe for completing the draft? To accommodate hiring of supervisors, we would like the law to go into effect by early May.

Thank you,

Diane

Diane Welsh
Chief Legal Counsel
Wisconsin Department of Health Services
(608) 266-1404

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State of Wisconsin
2009 - 2010 LEGISLATURE

replace commas w/ slashes
LRB-2235/P1
PJK,RAC,CMH,MES:.....
cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

required provisions in certain collective bargaining agreements under the Municipal Employment Relations Act

removing county civil service protections from certain employees; and making an appropriation

x-ref SA

by Friday, please (Monday a.m. is ok if Friday isn't possible) D-vote

figer cut

1 AN ACT relating to: administration of certain public assistance programs in
2 Milwaukee County.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 20.435 (4) (bn) of the statutes is amended to read:
4 20.435 (4) (bn) *Income maintenance*. Biennially, the amounts in the schedule
5 for funeral expenses under s. 49.785, for administration of the food stamp
6 employment and training program under s. 49.79 (9), for the performance of income
7 maintenance administrative activities on behalf of a local entity, as defined in s.
8 30.77 (3) (dm) 1. b., and for payments under s. 49.78 (8) relating to the administration
9 of the Medical Assistance program under subch. IV of ch. 49, the Badger Care health

SECTION 1

1 care program under s. 49.665, the food stamp program, and the cemetery, funeral,
2 and burial expenses program under s. 49.785.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2; s. 13.92 (2) (i).

3 **SECTION 2. 20.435 (4) (im) of the statutes is amended to read:**

4 **20.435 (4) (im) *Medical assistance; correct payment recovery; collections; other***
5 ***recoveries.*** All moneys received from the recovery of correct medical assistance
6 payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7)
7 and, all moneys received as collections and other recoveries from providers, drug
8 manufacturers, and other 3rd parties under medical assistance performance-based
9 contracts, and all moneys credited to this appropriation account under s. 49.89 (7)
10 (f), for payments to counties and tribal governing bodies under s. 49.496 (4) (a), for
11 payment of claims under s. 867.035 (3), for payments to the federal government for
12 its share of medical assistance benefits recovered, for the state share of medical
13 assistance benefits provided under subch. IV of ch. 49, and for costs related to
14 collections and other recoveries.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2; s. 13.92 (2) (i).

15 **SECTION 3. 20.435 (4) (L) of the statutes is amended to read:**

16 **20.435 (4) (L) *Fraud and error reduction.*** All moneys received as the state's
17 share of the recovery of overpayments and incorrect payments under ss. 49.847,
18 49.497 (1) and (1m), and 49.793 (2) (a), and 49.847, all moneys received from counties
19 and tribal governing bodies as a result of any error reduction activities under ss.

1 49.197 and 49.845, and all moneys credited to this appropriation account under ss.
 2 49.497 (2) (b), 49.793 (2) (b), and 49.847 (3) (b), for any contracts under s. 49.197 (5),
 3 for any activities to reduce error and fraud under s. 49.845, to pay federal sanctions
 4 under the food stamp program, and for food stamp reinvestment activities under
 5 reinvestment agreements with the federal department of agriculture that are
 6 designed to improve the food stamp program.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2; s. 13.02 (2) (i).

7 **SECTION 4.** 40.02 (25) (b) 2c. of the statutes is created to read:

8 40.02 (25) (b) 2c. A state employee described in s. 49.825 (4).

9 **SECTION 5.** 40.05 (4) (a) 2. of the statutes is amended to read:

10 40.05 (4) (a) 2. For an insured employee who is an eligible employee under s.

11 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer

12 contributions toward the health insurance premium of the insured employee

13 beginning on the date on which the employee becomes insured. For an insured state

14 employee who is currently employed, but who is not a limited term appointment

15 under s. 230.26 or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the

16 employer shall pay required employer contributions toward the health insurance

17 premium of the insured employee beginning on the first day of the 3rd month

18 beginning after the date on which the employee begins employment with the state,

19 not including any leave of absence. For an insured employee who has a limited term

20 appointment under s. 230.26, the employer shall pay required employer

21 contributions toward the health insurance premium of the insured employee

SECTION 5

1 beginning on the first day of the 7th month beginning after the date on which the
2 employee first becomes a participating employee.

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16; 2003 a. 33 ss. 1004 to 1015, 9160; 2003 a. 69, 117; 2005 a. 22, 153; 2007 a. 20, 131, 200, 226.

3 **SECTION 6.** 40.22 (2) (m) of the statutes is created to read: ✓

4 40.22 (2) (m) The employee was formerly employed by Milwaukee County, is
5 appointed to a supervisor position in the department of health services, and elects
6 to remain a covered employee under the retirement system established under
7 chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c). ✓

8 **SECTION 7.** 46.215 (1) (intro.) of the statutes is amended to read: ✓

9 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with a population
10 of 500,000 or more the administration of welfare services, other than child welfare
11 services under s. 48.48 (17) administered by the department and except as provided
12 in s. 49.825, is vested in a county department of social services under the jurisdiction
13 of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any
14 law to a county department of social services under this section applies to a county
15 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the
16 powers and duties of the county department of social services. The county
17 department of social services shall have the following functions, duties and powers,
18 and such other welfare functions as may be delegated to it:

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 34, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

19 **SECTION 8.** 49.496 (4) of the statutes is renumbered 49.496 (4) (a) and amended
20 to read:

21 49.496 (4) (a) The department may require a county department under s.
22 46.215, 46.22, or 46.23 or the governing body of a federally recognized American

1 Indian tribe administering medical assistance to gather and provide the department
2 with information needed to recover medical assistance under this section. The
3 Except as provided in par. (b), the department shall pay to a county department or
4 tribal governing body an amount equal to 5% of the recovery collected by the
5 department relating to a beneficiary for whom the county department or tribal
6 governing body made the last determination of medical assistance eligibility. A
7 county department or tribal governing body may use funds received under this
8 subsection paragraph only to pay costs incurred under this subsection paragraph
9 and, if any amount remains, to pay for improvements to functions required under s.
10 49.78 (2). The department may withhold payments under this subsection paragraph
11 for failure to comply with the department's requirements under this subsection
12 paragraph. The department shall treat payments made under this subsection
13 paragraph as costs of administration of the Medical Assistance program.

14 History: 1991 a. 39, 269; 1993 a. 301, 437, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2003 a. 33; 2007 a. 20.

14 **SECTION 9.** 49.496 (4) (b) of the statutes is created to read:

15 49.496 (4) (b) The department shall credit to the appropriation account under
16 s. 20.435 (4) (im) any amount that the department would otherwise pay under par.
17 (a) to a county department under s. 46.215 for any recovery collected by the
18 department relating to a beneficiary for whom department employees or officers, or
19 county employees or officers under the management of the department, made the
20 last determination of medical assistance eligibility.

21 **SECTION 10.** 49.496 (5) of the statutes is amended to read:

22 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the
23 department shall pay the amount of the payments under sub. (4) (a) that is not paid
24 from federal funds, shall pay to the federal government the amount of the funds

1 recovered under this section equal to the amount of federal funds used to pay the
2 benefits recovered under this section, and shall spend the remainder of the funds
3 recovered under this section for medical assistance benefits under this subchapter.

4 **History:** 1991 a. 39, 269; 1993 a. 301, 437, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2003 a. 33; 2007 a. 20.

4 **SECTION 11.** 49.497 (2) of the statutes is renumbered 49.497 (2) (a) and
5 amended to read:

6 49.497 (2) (a) A Except as provided in par. (b), a county or governing body of
7 a federally recognized American Indian tribe may retain 15% of benefits provided
8 under this subchapter or s. 49.665 that are recovered under this section due to the
9 efforts of an employee or officer of the county or tribe.

10 **History:** 1981 c. 20; 1983 a. 27, 192; 1985 a. 176; 1987 a. 27; 1989 a. 31, 173, 359; 2005 a. 25, 254; 2007 a. 20, 97.

10 **SECTION 12.** 49.497 (2) (b) of the statutes is created to read:

11 49.497 (2) (b) Any amount that Milwaukee County would otherwise be entitled
12 to retain under par. (a) for benefits recovered due to the efforts of a department
13 employee or officer, or a county employee or officer under the management of the
14 department, shall be credited to the appropriation account under s. 20.435 (4) (L).

15 **SECTION 13.** 49.78 (2) of the statutes is amended to read:

16 49.78 (2) **CONTRACTS.** Annually, for the income maintenance program functions
17 that the department delegates to a county or tribal governing body, the department
18 shall contract with the county departments department under ss. 46.215, 46.22, and
19 or 46.23, and may contract with the tribal governing bodies body, to reimburse the
20 county ~~departments and department~~ department or tribal governing bodies body for the
21 reasonable cost of administering income maintenance programs.

22 **History:** 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20.

22 **SECTION 14.** 49.78 (10) (a) of the statutes is amended to read:

1 49.78 (10) (a) Each county treasurer and director of a county department under
2 s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and each
3 tribal governing body that contracts with the department under sub. (2) shall certify
4 monthly under oath to the department in such manner as the department prescribes
5 the claim of the county or tribal governing body for state reimbursement under sub.
6 (8) (a). The department shall review each claim of reimbursement and, if the
7 department approves the claim, the department shall certify to the department of
8 administration for reimbursement to the county or tribal governing body for
9 amounts due under sub. (8) (a) and payment claimed to be made to the counties or
10 tribal governing bodies monthly. The department may make advance payments
11 prior to the beginning of each month equal to one-twelfth of the contracted amount.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16; 2003 a. 33 ss. 1308, 1448, 9160; Stats. 2003 s. 49.78; 2005 a. 25; 2007 a. 20.

12 **SECTION 15.** 49.785 (1) (intro.) of the statutes is amended to read:

13 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s. 49.825, if
14 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is
15 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
16 recipient, the department or county or applicable tribal governing body or
17 organization responsible for burial of the recipient shall pay, to the person
18 designated by the department or county department under s. 46.215, 46.22, or 46.23
19 or applicable tribal governing body or organization responsible for the burial of the
20 recipient, all of the following:

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20.

21 **SECTION 16.** 49.785 (1m) (a) of the statutes is amended to read:

22 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
23 the department or county or applicable tribal governing body or organization

1 responsible for burial of the recipient is not required to make a payment for the
2 cemetery expenses under sub. (1) (a).

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20.

3 **SECTION 17.** 49.785 (1m) (b) of the statutes is amended to read: ✓

4 49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed
5 \$3,500, the department or county or applicable tribal governing body or organization
6 responsible for burial of the recipient is not required to make a payment for funeral
7 and burial expenses under sub. (1) (b).

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20.

8 **SECTION 18.** 49.785 (1m) (c) of the statutes is amended to read: ✓

9 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
10 months after the death of the recipient, the department or county or applicable tribal
11 governing body or organization responsible for burial of the recipient is not required
12 to make a payment for cemetery, funeral, or burial expenses.

History: 1973 c. 147, 333; 1975 c. 39, 224; 1979 c. 206; 1981 c. 20; 1985 a. 29, 176, 332; 1989 a. 31, 239; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33 s. 1302; Stats. 2003 s. 49.785; 2005 a. 25; 2007 a. 20.

13 **SECTION 19.** 49.793 (2) of the statutes is renumbered 49.793 (2) (a) and
14 amended to read: ✓ +

15 49.793 (2) (a) A Except as provided in par. (b), a county or governing body of
16 a federally recognized American Indian tribe may retain a portion of the amount of
17 an overpayment the state is authorized to retain under 7 USC 2025 which that is
18 recovered under sub. (1) due to the efforts of an employee or officer of the county or
19 tribe. The department shall promulgate a rule establishing the portion of the
20 amount of the overpayment that the county or governing body may retain. This
21 subsection paragraph does not apply to recovery of an overpayment that was made
22 as a result of state, county, or tribal governing body error.

History: 2001 a. 16 ss. 1656ty, 1656tym; Stats. 2001 s. 49.793.

23 **SECTION 20.** 49.793 (2) (b) of the statutes is created to read: ✓ ^

1 49.793 (2) (b) Any amount that Milwaukee County would otherwise be entitled
2 to retain under par. (a) for the recovery of an overpayment due to the efforts of a
3 department employee or officer, or a county employee or officer under the
4 management of the department, shall be credited to the appropriation account under
5 s. 20.435 (4) (L).

6 SECTION 21. 49.825 of the statutes is created to read:

7 **49.825 Department administration in Milwaukee County. (1)**

8 DEFINITIONS. In this section:

9 (a) "County" means Milwaukee County.

10 (b) "Department" means the department of health services.

11 (c) "Income maintenance program" has the meaning given in s. 49.78 (1) (b).

12 (d) "Unit" means the Milwaukee County enrollment services unit.

13 (2) ESTABLISHMENT OF UNIT. (a) The department shall establish a Milwaukee
14 County enrollment services unit under s. 15.02 (3) (c) 3. to determine eligibility under
15 and administer the following public assistance programs in the county:

16 1. Income maintenance programs.

17 2. The programs under ss. 49.77 and 49.775.

18 3. The child care subsidy program under s. 49.155.

19 (b) The department of children and families shall enter into a contract with the
20 department of health services that provides for the determination of eligibility under
21 and administration of the program under s. 49.155 in the county by the department
22 of health services.

23 (c) The department may enter into a contract with the county that provides for
24 the performance by the county of any of the administrative functions under this
25 subsection.

SECTION 21

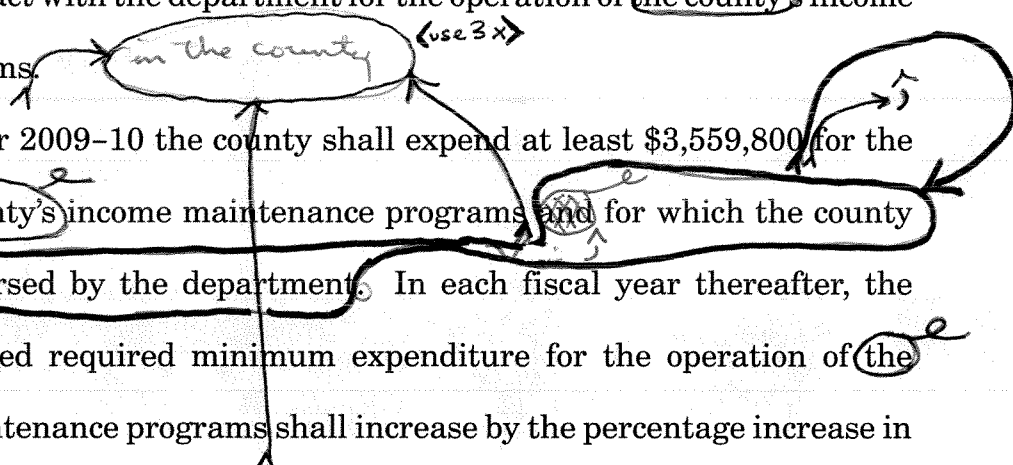
1 (d) 1. The department shall reimburse the county for all approved, allowable
 2 costs that exceed the amounts specified in subd. 2. and that are incurred by the
 3 county under a contract with the department for the operation of the county's income
 4 maintenance programs.

5 2. In fiscal year 2009-10 the county shall expend at least \$3,559,800 for the
 6 operation of the county's income maintenance programs and for which the county
 7 shall not be reimbursed by the department. In each fiscal year thereafter, the
 8 county's unreimbursed required minimum expenditure for the operation of the
 9 county's income maintenance programs shall increase by the percentage increase in
 10 annual wage and benefit costs paid with respect to county employees performing
 11 services under this section for the unit.

12 (3) DIVISION OF EMPLOYMENT-RELATED FUNCTIONS. (a) Supervisory personnel in
 13 the unit shall be state employees. Nonsupervisory staff performing services under
 14 this section for the unit shall be employees of Milwaukee County. For the
 15 performance of services under this section for the unit, the county shall maintain no
 16 fewer authorized full time employee positions than the number that were authorized
 17 on February 1, 2009, for performance of the same types of services.

18 (c) 1. The department shall have the authority to hire, transfer, suspend, lay
 19 off, recall, promote, discharge, assign, reward, discipline, and adjust grievances with
 20 respect to county employees performing services under this section for the unit.

21 2. For the purpose of hiring county employees performing services under this
 22 section for the unit, the department shall use the same hiring process and procedures
 23 under ch. 230 that is used for appointments to the classified service of the state civil
 24 service system.



1 3. The department may enter into a memorandum of understanding, as
2 described under s. 111.70 (3m), with the certified representative of the county
3 employees performing services under this section for the unit. If there is a dispute
4 between the department and the certified representative, the department may
5 resolve the dispute by unilaterally implementing a memorandum of understanding
6 with respect to the wages, hours, and conditions of employment of the employees.

7 (d) The county shall perform all administrative tasks related to payroll and
8 benefits for the county employees performing services under this section for the unit.

9 (4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO SUPERVISOR POSITIONS
10 IN THE UNIT. All of the following shall apply to an employee who is appointed to a
11 supervisor position in the unit after the effective date of this subsection [LRB
12 inserts date], and who, immediately prior to his or her appointment, was a county
13 employee ~~who performed services under this section for the unit.~~ ← colon stays

14 (a) The employee shall have his or her seniority with the state computed by
15 treating the employee's total service with the county as state service.

16 (b) Annual leave for the employee shall accrue at the rate provided in s. 230.35
17 using the employee's state service computed under par. (a).

18 (c) The employee may remain a participating employee in the retirement
19 system established under chapter 201, laws of 1937. To remain under the retirement
20 system established under chapter 201, laws of 1937, the employee must exercise this
21 option in writing, on a form provided by the department, at the time the employee
22 is appointed to a supervisor position. The secretary shall pay, on behalf of the
23 employee, all required employer contributions under the retirement system
24 established under chapter 201, laws of 1937.

1 **SECTION 22.** 49.847 (3) of the statutes is renumbered 49.847 (3) (a) and
2 amended to read:

3 49.847 (3) (a) Subject to ss. 49.497 (2) and 49.793 (2), and except as provided
4 in par. (b), a county or elected governing body may retain a portion of an amount
5 recovered under this section due to the efforts of an employee or officer of the county,
6 tribe, or band, as provided by the department by rule.

History: 2005 a. 25; 2007 a. 20 s. 9121 (6) (a).

7 **SECTION 23.** 49.847 (3) (b) of the statutes is created to read:

8 49.847 (3) (b) Any amount that Milwaukee County would otherwise be entitled
9 to retain under par (a) for the recovery of an amount under this section due to the
10 efforts of a department employee or officer, or a county employee or officer under the
11 management of the department, shall be credited to the appropriation account under
12 s. 20.435 (4) (L).

13 **SECTION 24.** 49.89 (7) (a) of the statutes is amended to read:

14 49.89 (7) (a) Any Except as provided in par. (f), any county or elected tribal
15 governing body that has made a recovery under this section shall receive an incentive
16 payment from the sum recovered as provided under this subsection.

History: 1977 c. 29; 1979 c. 221; 1981 c. 20; 1983 a. 27, 465; 1985 a. 29 ss. 1051, 1052, 3200 (23); 1987 a. 27 s. 3202 (24); 1989 a. 31; 1995 a. 27 ss. 3152 to 3177, 3214, 3215, 9126 (19), 9130 (4); Stats. 1995 s. 49.89; 1995 a. 407; 1997 a. 31; 1999 a. 9; 2007 a. 20 ss. 1750 to 1753, 9121 (6) (a); 2007 a. 96.

17 **SECTION 25.** 49.89 (7) (f) of the statutes is created to read:

18 49.89 (7) (f) The amount of any incentive payment to which Milwaukee County
19 would otherwise be entitled under this subsection for a recovery under this section
20 due to the efforts of ^{an} a department employee or officer, ^{of the department} or a county employee or officer
21 under the management of the department, shall be credited to the appropriation
22 account under s. 20.435 (4) (im). ^{of health services}

23 **SECTION 26.** 63.03 (2) (r) of the statutes is created to read:

<use 2x>

1 63.03 (2) (r) All nonsupervisory staff performing services for the Milwaukee
2 County enrollment services unit under s. 49.825.

3 **SECTION 27.** 111.70 (1) (a) of the statutes is amended to read:

4 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
5 obligation of a municipal employer, through its officers and agents, and the
6 representative of its municipal employees in a collective bargaining unit, to meet and
7 confer at reasonable times, in good faith, with the intention of reaching an
8 agreement, or to resolve questions arising under such an agreement, with respect to
9 wages, hours and conditions of employment, and with respect to a requirement of the
10 municipal employer for a municipal employee to perform law enforcement and fire
11 fighting services under s. 61.66, except as provided in ~~sub-~~ subs. (3m) and (4) (m) and
12 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
13 respect to any proposal to diminish or abridge the rights guaranteed to municipal
14 employees under ch. 164. The duty to bargain, however, does not compel either party
15 to agree to a proposal or require the making of a concession. Collective bargaining
16 includes the reduction of any agreement reached to a written and signed document.
17 The municipal employer shall not be required to bargain on subjects reserved to
18 management and direction of the governmental unit except insofar as the manner
19 of exercise of such functions affects the wages, hours and conditions of employment
20 of the municipal employees in a collective bargaining unit. In creating this
21 subchapter the legislature recognizes that the municipal employer must exercise its
22 powers and responsibilities to act for the government and good order of the
23 jurisdiction which it serves, its commercial benefit and the health, safety and welfare
24 of the public to assure orderly operations and functions within its jurisdiction,

1 subject to those rights secured to municipal employees by the constitutions of this
2 state and of the United States and by this subchapter.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20.

3 **SECTION 28.** 111.70 (3m) of the statutes is created to read:

4 **111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT.** A collective
5 bargaining agreement that covers nonsupervisory municipal employees performing
6 services for the Milwaukee County enrollment services unit under s. 49.825 shall
7 contain a provision that permits the terms of the agreement to be modified by a
8 memorandum of understanding entered into, as described under s. 49.825 (3) (c) 3.
9 by the department of health services and the certified representative of the
10 municipal employees with respect to wages, hours, and conditions of employment.

11 **SECTION 29.** 230.44 (1) (h) of the statutes is created to read:

12 230.44 (1) (h) *Appointment of Milwaukee County employees by the department*
13 *of health services.* A decision of the department of health services relating to the
14 appointment of a Milwaukee county employee under s. 49.825 (3) (c).

15 **SECTION 30. Nonstatutory provisions.**

16 (1) TRANSFER OF PUBLIC ASSISTANCE PROGRAM ADMINISTRATIVE FUNCTIONS.

17 (a) *Definitions.* In this subsection:

18 1. "County" means Milwaukee County.

19 2. "County department" means the Milwaukee County department of social
20 services.

21 3. "Department" means the department of health services.

22 (b) *Transition plan.* On the effective date of this paragraph, the county and the
23 department shall begin the transition from the county to the department of
24 administrative functions for the programs specified in section 49.825 (2) (a) 1., 2., and

1 3. of the statutes, as created by this act, and shall cooperate in the transition. The
2 department shall develop a transition plan that includes the reporting, exchange of
3 information, and staff deployment that the department needs and that the county
4 department must provide for the transition. The secretary of administration shall
5 resolve any disagreement between the department and the county or county
6 department.

7 (c) *Records.* By January 15, 2010, the county shall transfer to the department
8 all records in the possession of the county that are related to eligibility processing
9 for the programs specified in section 49.825 (2) (a) 1., 2., and 3. of the statutes, as
10 created by this act. The county department and the department shall jointly identify
11 those records and jointly develop and implement a plan for the orderly transfer of the
12 records.

13 (d) *County administration.* In calendar year 2009, the county shall continue
14 to perform the administrative functions for the programs specified in section 49.825
15 (2) (a) 1., 2., and 3. of the statutes, as created by this act, as provided under any
16 contracts requiring those administrative functions until the department notifies the
17 county that it is prepared to assume responsibility for the administrative functions.
18 The county and department shall contract with respect to administrative functions
19 that the department requires the county to perform to assist the department in
20 administering the programs specified in section 49.825 (2) (a) 1., 2., and 3. of the
21 statutes, as created by this act, for the years after 2009.

22 **SECTION 31. Initial applicability.**

23 (1) This act first applies to any employee of Milwaukee County who is covered
24 by a collective bargaining agreement that contains provisions inconsistent with this

SECTION 31

1 act on the day on which the collective bargaining agreement expires or is extended,
2 modified, or renewed, whichever occurs first.

3 (END)

D - note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2235/P1dn

PJK:/:....

gs

- date -

I have amended s. 46.215 (1) (intro.), but there are potentially many duties under s. 46.215 (1) (a) to (s) that should be amended or repealed [see especially pars. (a), (b), (c), (g), (k), (L), and (p)]. Also, s. 46.215 (2) may need to be modified. Please advise what changes you need.

Other than the requirement for DCF to contract with DHS in proposed s. 49.825 (2) (b), this draft does not include any provisions addressing administration of the child care subsidy program under s. 49.155. I could include in this draft the same provisions related to local administration of s. 49.155 that are in the budget. I would modify those provisions to include DHS as one of the entities with which DCF may contract to determine eligibility under and administer that program. Currently in the budget, DCF may contract with any of the following to do that: a county department under s. 46.215, 46.22, or 46.23; a Wisconsin Works agency; a child care resource and referral agency; or another agency. In the budget, there are also changes to the provisions related to certifying child care providers. I don't know if those changes would accomplish what DCF needs for this draft. Please advise. I will let you know if I receive different drafting instructions from DCF in the meantime.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2235/P1dn
PJK:cjs:md

March 20, 2009

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