

Kahler, Pam

From: Malofsky, Shelley F - DHS [Shelley.Malofsky@dhs.wisconsin.gov]
Sent: Monday, March 30, 2009 12:56 PM
To: Kahler, Pam
Cc: Nikolay, Robert A - DCF; Welsh, Diane M - DHS; Currans-Sheehan, Rachel H - DHS
Subject: Milwaukee IM

Attachments: LRB chngs 3.30.09.doc



LRB chngs
30.09.doc (102 KB)

Pam,

Attached is draft with edits/comments/questions tracked. I still need information on one item that I will have when we meet tomorrow. On pg. 10, lines 17-20: we may be continuing the county residency requirements so that will have to be added here (I assume).

(The attached is a scanned and Word saved version of the pdf which didn't translate all that well.)

See you tomorrow.

Shelley

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LRB-2235/PI
PJK/RAC/CMH/MES:cjs:md

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT *to renumber and amend* 49.496 (4), 49.497 (2), 49.793 (2) and 49.847 (3); *to amend* 20.435 (4) (bn), 20.435 (4) (im), 20.435 (4) (L), 40.05 (4) (a) 2., 46.215 (1) (intro.), 49.496 (5), 49.78 (2), 49.78 (10) (a), 49.785 (1) (intro.), 49.785 (lm) (a), 49.785 (lm) (b), 49.785 (lm) (c), 49.89 (7) (a) and 111.70 (1) (a); and *to create* 40.02 (25) (b) 2c., 40.22 (2) (m), 49.496 (4) (b), 49.497 (2) (b), 49.793 (2) (b), 49.825, 49.847 (3) (b), 49.89 (7) (f), 63.03 (2) (r), 111.70 (3m) and 230.44 (1) (h) of the statutes; **relating to:** administration of certain public assistance programs in Milwaukee County, removing county civil service protections from certain employees, required provisions in certain collective bargaining

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1 agreements under the Municipal Employment Relations Act, and making an
2 appropriation.

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
10 care program under s. 49.665, the food stamp program, and the cemetery, funeral,
11 and burial expenses program under s. 49.785.
12 SECTION 2. 20.435 (4) (im) of the statutes is amended to read:
13 20.435 (4) (im) *Medical assistance; correct payment recovery; collections; other*
14 *recoveries*. All moneys received from the recovery of correct medical assistance
15 payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7)
16 ,and,, all moneys received as collections and other recoveries from providers, drug
17 manufacturers, and other 3rd parties under medical assistance performance-based
18 contracts, and all moneys credited to this appropriation account under s 49 89 (7)
19 a for payments to counties and tribal governing bodies under s. 49.496 (4) (a), for
20 payment of claims under s. 867.035 (3), for payments to the federal government for

SECTION 2

1 its share of medical assistance benefits recovered, for the state share of medical
2 assistance benefits provided under subch. IV of ch. 49, and for costs related to
3 collections and other recoveries.
4 SECTION 3. 20.435 (4) (L) of the statutes is amended to read:
5 20.435 (4) (L) *Fraud and error reduction.* All moneys received as the state's
6 share of the recovery of overpayments and incorrect payments under ss. 49-847,
7 49.497 (1) and (1m), 49.793 (2) La, and 49.847. all moneys received from
counties
8 and tribal governing bodies as a result of any error reduction activities under ss.
9 49.197 and 49.845, and all moneys credited to this appropriation account under ss.
10 49.497 (2) (b), 49.793 (2) (b), and 49.847 (3) (b), for any contracts under s. 49.197 (5),
11 for any activities to reduce error and fraud under s. 49.845, to pay federal sanctions
12 under the food stamp program, and for food stamp reinvestment activities under
13 reinvestment agreements with the federal department of agriculture that are
14 designed to improve the food stamp program.
15 SECTION 4. 40.02 (25) (b) 2c. of the statutes is created to read:
16 40.02 (25) (b) 2c. *A state employee described in s. 49.825 (4).*
17 SECTION 5. 40.05 (4) (a) 2. of the statutes is amended to read:
18 40.05 (4) (a) 2. For an insured employee who is an eligible employee under s.
19 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer
20 contributions toward the health insurance premium of the insured employee
21 beginning on the date on which the employee becomes insured. For an insured state
22 employee who is currently employed, but who is not a limited term appointment
23 under s. 230.26 or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m. or 2c., the
24 employer shall pay required employer contributions toward the health insurance
25 premium of the insured employee beginning on the first day of the 3rd month

SECTION 5

1 beginning after the date on which the employee begins employment with the state,
2 not including any leave of absence. For an insured employee who has a limited term
3 appointment under s. 230.26, the employer shall pay required employer
4 contributions toward the health insurance premium of the insured employee
5 beginning on the first day of the 7th month beginning after the date on which the
6 employee first becomes a participating employee.

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

8 40.22 (2) (m) The employee was formerly employed by Milwaukee County, is
9 appointed to a state position in the department of health services, and elects
10 to remain a covered employee under the retirement system established under
11 chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c).

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

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

23 SECTION 8. 49.496 (4) of the statutes is renumbered 49.496 (4) (a) and amended
24 to read:

Comment [SM1]: Or DCF?
Deleted: supervisor

add -
or DCF
①

49.155

1 49.496 (4) (a) The department may require a county department under s.
2 46.215, 46.22, or 46.23 or the governing body of a federally recognized American
3 Indian tribe administering medical assistance to gather and provide the department
4 with information needed to recover medical assistance under this section. The
5 Except as provided in par. (b), the department shall pay to a county department or
6 tribal governing body an amount equal to 5% of the recovery collected by the
7 department relating to a beneficiary for whom the county department or tribal
8 governing body made the last determination of medical assistance eligibility. A
9 county department or tribal governing body may use funds received under this
10 subsection paragraph only to pay costs incurred under this ~ paragraph
11 and, if any amount remains, to pay for improvements to functions required under s.
12 49.78 (2). The department may withhold payments under this subsection paragraph
13 for failure to comply with the department's requirements under this subsection paragraph
14 paragraph. The department shall treat payments made under this subsection
15 paragraph as costs of administration of the Medical Assistance program.

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

17 49.496 (4) (b) The department shall credit to the appropriation account under
18 s. 20.435 (4) (im) any amount that the department would otherwise pay under par.
19 (a) to a county department under s. 46.215 for any recovery collected by a department
employee or officer, or

21 county employee or officer under the management of the department.

22 23 SECTION 10. 49.496 (5) of the statutes is amended to read:

24 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the
25 department shall pay the amount of the payments under sub. (4) (a) that is not paid

Deleted: the
20 department relating to a
beneficiary for whom
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assistance eligibility.

SECTION 10

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

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

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

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

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

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

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

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

24 49.78 (10) (a) ~~If the department contracts under sub. (2), each county treasurer and~~
director of a county department under
25 s. 46.215, 46.22, or 46.23 and each

modify that

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Deleted: that contracts with the department under sub. (2)

*old way better
because not all
this way means all*

*such as w/ which the
dept contracts...*

Deleted: that contracts with the department under sub. (2)

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

10 SECTION 15. 49.785 (1) (intro.) of the statutes is amended to read:
11 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s. 49.825, if
12 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is
13 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
14 recipient, the department or county or applicable tribal governing body or
15 organization responsible for burial of the recipient shall pay, to the person
16 designated by the department or county department under s. 46.215, 46.22, or 46.23
17 or applicable tribal governing body or organization responsible for the burial of the
18 recipient, all of the following:

19 SECTION 16. 49.785 (1m) (a) of the statutes is amended to read:
20 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,
21 the department or county or applicable tribal governing body or organization
22 responsible for burial of the recipient is not required to make a payment for the
23 cemetery expenses under sub. (1) (a).

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

SECTION 17

1 49.785 (lm) (b) If the total funeral and burial expenses for the recipient exceed
2 \$3,500, the department or county or applicable tribal governing body or organization
3 responsible for burial of the recipient is not required to make a payment for funeral
4 and burial expenses under sub. (1) (b).

5 SECTION 18. 49.785 (lm) (c) of the statutes is amended to read:

6 49.785 (lm) (c) If a request for payment under sub. (1) is made more than 12
7 months after the death of the recipient, the department or county or applicable tribal
8 governing body or organization responsible for burial of the recipient is not required
9 to make a payment for cemetery, funeral, or burial expenses.

10 SECTION 19. 49.793 (2) of the statutes is renumbered 49.793 (2) (a) and
11 amended to read:

12 49.793 (2) (a) A Except as provided in par. (b), a county or governing body of
13 a federally recognized American Indian tribe may retain a portion of the amount of
14 an overpayment the state is authorized to retain under 7 USC 2025 which that is
15 recovered under sub. (1) due to the efforts of an employee or officer of the county or
16 tribe. The department shall promulgate a rule establishing the portion of the
17 amount of the overpayment that the county or governing body may retain. This
18 subsection paragraph does not apply to recovery of an overpayment that was made
19 as a result of state, county, or tribal governing body error.

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

21 49.793 (2) (b) Any amount that Milwaukee County would otherwise be entitled
22 to retain under par. (a) for the recovery of an overpayment due to the efforts of a
23 department employee or officer, or a county employee or officer under the
24 management of the department, shall be credited to the appropriation account under
25 s. 20.435 (4) (L).

1 SECTION 21. 49.825 of the statutes is created to read:
2 49.825 **Department administration in Milwaukee County.** (1)
3 DEFINITIONS. In this section:
4 (a) "County" means Milwaukee County.
5 (b) "Department" means the department of health services.

then need to use the term somewhere

6 (c) "Income maintenance program" has the meaning given in s. 49.78 (1) (b).
7 (d) "Nonsupervisory staff" are staff
8 (e) "Unit" means the Milwaukee County enrollment services unit.
(2) ESTABLISHMENT OF UNIT. (a) The department shall establish a

Comment [SM2]: A placeholder if we decide to keep the distinction between supervisory and nonsupervisory staff. My note below suggests we consider not being so specific.

Deleted: d

Milwaukee

9 County enrollment services unit under s. 15.02 (3) (c) 3. to determine eligibility under
10 and administer the following public assistance programs in the county:

- 11 1. Income maintenance programs.
- 12 2. The programs under ss. 49.77 and 49.775.
- 13 3. The child care subsidy program under s. 49.155.

may

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

contract to be signed

Comment [SM3]: For child care, DHS is only determining eligibility and authorizing child care hours, not doing overall administration. Is (b) sufficient to limit the scope in (a)?

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

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

Comment [SM4]: Should this be "public assistance programs under para. (a)?"

remove 3. and modify (b)?

it can be if that's correct what about (b)?

perform eligibility & authorize functions for CC sub program see s. 49.115

← NOTE ↓

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

8 (3) DIVISION OF EMPLOYMENT-RELATED FUNCTIONS. (a) Supervisory
personnel in

9 the unit shall be state employees. Nonsupervisory staff performing services under
10 this section for the unit shall be employees of Milwaukee County. For the
11 performance of services under this section for the unit, the county shall maintain no
12 fewer authorized represented full time employee positions than the number that were authorized
13 on February 1, 2009, for performance of the same types of services.

Comment [SM5]: There will be non-spsvr state positions too. Do we need to say that? Should we just generally say the unit will use a combination of state and county employees as determined by the department?

← represented? *CS*

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

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

Comment [SM6]: Is this enough to give state employees the authority to supervise non-state employees? I don't know if there's another provision in the stats that should be 'notwithstanding.'

21 3. The department may enter into a memorandum of understanding, as
22 described under s. 111.70 (3m), with the certified representative of the county
23 employees performing services under this section for the unit. If there is a, dispute
24 between the department and the certified representative as to hours and conditions of
employment of the employees that remains after a good faith attempt to resolve it, the department may,

Comment [SM7]: Just need to make sure that this will include probationary periods, performance evals....

Deleted: ¶

1 ~~unilaterally~~ resolve the dispute,
2 (d) The county shall perform all administrative tasks related to payroll and
3 benefits for the county employees performing services under this section for the unit.

Deleted: by unilaterally implementing a memorandum of understanding¶
2 with respect to the wages, hours, and conditions of employment of the employees.¶
3

4 (4) TREATMENT OF FORMER COUNTY EMPLOYEES,
5 IN THE UNIT. All of the following shall apply to an employee who is appointed to a
6

Deleted: APPOINTED TO SUPERVISOR POSITIONS¶

7 ~~state position~~ in the unit after the effective date of this subsection [LRB

Deleted: supervisor

8 inserts date], and who, immediately prior to his or her appointment, was a county
9 employee:

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

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

Comment [SM8]: We want to have a probationary period for the original state appointment. Does this need to be clarified?

14 (c) The employee may remain a participating employee in the retirement
15 system established under chapter 201, laws of 1937. To remain under the retirement
16 system established under chapter 201, laws of 1937, the employee must exercise this
17 option in writing, on a form provided by the department, at the time the employee
18 is appointed to a supervisor position or state employee position. The secretary shall pay, on

behalf of the

19 employee, all required employer contributions under the retirement system
20 established under chapter 201, laws of 1937.

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

23 49.847 (3) (a) Subject to ss. 49.497 (2) and 49.793 (2), and except as provided
24 in par. b, a county or elected governing body may retain a portion of an amount

1 recovered under this section due to the efforts of an employee or officer of the county,
2 tribe, or band, as provided by the department by rule.

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

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

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

10 49.89 (7) (a) Any Except as provided in par. (f), any county or elected tribal
11 governing body that has made a recovery under this section shall receive an incentive
12 payment from the sum recovered as provided under this subsection.

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

14 49.89 (7) (f) The amount of any incentive payment to which Milwaukee County
15 would otherwise be entitled under this subsection for a recovery under this section
16 due to the efforts of an employee or officer of the department of health services, or
17 a county employee or officer under the management of the department of health
18 services, shall be credited to the appropriation account under s. 20.435 (4) (im).

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

20 63.03 (2) (r) All nonsupervisory staff performing services for the Milwaukee
21 County enrollment services unit under s. 49.825.

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

23 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
24 obligation of a municipal employer, through its officers and agents, and the
25 representative of its municipal employees in a collective bargaining unit, to meet and

Comment [SM9]: We're unsure about this. Why are we having the nonsup staff be unclassified?

1 confer at reasonable times, in good faith, with the intention of reaching an
2 agreement, or to resolve questions arising under such an agreement, with respect to
3 wages, hours and conditions of employment, and with respect to a requirement of the
4 municipal employer for a municipal employee to perform law enforcement and fire
5 fighting services under s. 61.66, except as provided in subs. (3m) and (4)
(m) and
6 s. 40.81 (3) and except that a municipal employer shall not meet and confer with
7 respect to any proposal to diminish or abridge the rights guaranteed to municipal
8 employees under ch. 164. The duty to bargain, however, does not compel either party
9 to agree to a proposal or require the making of a concession. Collective bargaining
10 includes the reduction of any agreement reached to a written and signed document.
11 The municipal employer shall not be required to bargain on subjects reserved to
12 management and direction of the governmental unit except insofar as the manner
13 of exercise of such functions affects the wages, hours and conditions of employment
14 of the municipal employees in a collective bargaining unit. In creating this
15 subchapter the legislature recognizes that the municipal employer must exercise its
16 powers and responsibilities to act for the government and good order of the
17 jurisdiction which it serves, its commercial benefit and the health, safety and welfare
18 of the public to assure orderly operations and functions within its jurisdiction,
19 subject to those rights secured to municipal employees by the constitutions of this
20 state and of the United States and by this subchapter.
21 SECTION 28. 111.70 (3m) of the statutes is created to read:
22 111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES UNIT. A
collective
23 bargaining agreement that covers nonsupervisory municipal employees, as defined in
49.825(1), performing
24 services for the Milwaukee County enrollment services unit under s. 49.825 shall
25 contain a provision that permits the terms of the agreement to be modified with

1 respect to hours and conditions of employment by a memorandum of
2 understanding under s. 49.825 (3) (c) 3.
3 SECTION 29. 230.44 (1) (h) of the statutes is created to read:
4 230.44 (1) (h) *Appointment of Milwaukee County employees by the department*
5 *of health services.* A decision of the department of health services relating to the
6 appointment of a Milwaukee County employee under s. 49.825 (3) (c).
7 SECTION 30. **Nonstatutory provisions.**
8 (1) TRANSFER OF PUBLIC ASSISTANCE PROGRAM ADMINISTRATIVE FUNCTIONS.
9 (a) *Definitions.* In this subsection:
10 1. "County" means Milwaukee County.
11 2. "County department" means the Milwaukee County department of social
12 services.
13 3. "Department" means the department of health services.
14 (b) *Transition plan.* On the effective date of this paragraph, the county and the
15 department shall begin the transition from the county to the department of
16 administrative functions for the programs specified in section 49.825 (2) (a) 1., 2., and
17 3. of the statutes, as created by this act, and shall cooperate in the transition. The
18 department shall develop a transition plan that includes the reporting, exchange of
19 information, and staff deployment that the department needs and that the county
20 department must provide for the transition. The secretary of administration shall
21 resolve any disagreement between the department and the county or county
22 department.
23 (c) *Records.* By January 15, 2010, the county shall transfer to the department
24 all records in the possession of the county that are related to eligibility processing
25 for the programs specified in section 49.825 (2) (a) 1., 2., and 3. of the statutes, as

Deleted: wages.

Deleted: .

Comment [SM10]: Is this word broad enough to cover discipline, suspension/discharge...?

Comment [SM11]: The agency name is Dept of Health and Human Services, but it is the dept of social services under 46.215. How should it be referred to?

Jan 15 16 OK
or the other
s/b OK, too

add ↓
under s. 46.215

↑
?

1 created by this act. The county department and the department shall jointly identify
2 those records and jointly develop and implement a plan for the orderly transfer of the
3 records.

4 (d) *County administration.* In calendar year 2009, the county shall continue
5 to perform the administrative functions for the programs specified in section 49.825
6 (2) (a) 1., 2., and 3. of the statutes, as created by this act, as provided under any
7 contracts requiring those administrative functions until the department notifies the
8 county that it is prepared to assume responsibility for the administrative functions.
9 The county and department shall contract with respect to administrative functions
10 that the department requires the county to perform to assist the department in
11 administering the programs specified in section 49.825 (2) (a) 1., 2., and 3. of the
12 statutes, as created by this act, for the years after 2009.

13 SECTION 31. **Initial applicability.**

14 (1) This act first applies to any employee of Milwaukee County who is covered
15 by a collective bargaining agreement that contains provisions inconsistent with this
16 act on the day on which the collective bargaining agreement expires or is extended,
17 modified, or renewed, whichever occurs first.

Comment [SM12]: We need county employees 'hired' on or after April 1 to be affected. Does this do it? The CBA has expired already (and does it automatically extend?)

18

(END)

i

effective date?

*as to ants recovered → ants recovered on eff date?
or earlier?*

*49.496 (4)(a)+(b), (5)
49.497 (2)(a)+(b)
49.793 (2)(a)+(b) → 20.435 (4)(L)
49.847 (3)(a)+(b) →
49.897 (a)+(f) → 20.435 (4)(im)*

Kahler, Pam

From: Malofsky, Shelley F - DHS [Shelley.Malofsky@dhs.wisconsin.gov]
Sent: Wednesday, April 01, 2009 8:54 AM
To: Kahler, Pam
Cc: Nikolay, Robert A - DCF
Subject: RE: Milwaukee IM
Attachments: LRB changes 4.1.09.doc

Attached are a few edits. I talked to Bob after your conversation with him and think the non-stat idea is a great one. When Bob talked to you he had not yet been told that we will strip DCF from this bill, because even your best efforts to do a complete bill by Tues. will be too late; I'm told that the Speaker wants to have the bill distributed on Monday. Adding non-stat language directing DCF to submit language to take over child care subsidy functions and put some in the 49.825 unit should accomplish what we all need now.

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Tuesday, March 31, 2009 3:24 PM
To: Malofsky, Shelley F - DHS
Subject: RE: Milwaukee IM

Shelley:

For the nonsupervisory issue, on page 10, lines 8 to 10, do you want to get rid of that language altogether? keep the supervisory personnel language and get rid of the nonsupervisory staff language? say that county employees performing nonsupervisory services, etc., shall remain county employees? Something else?

From: Malofsky, Shelley F - DHS [mailto:Shelley.Malofsky@dhs.wisconsin.gov]
Sent: Tuesday, March 31, 2009 2:43 PM
To: Champagne, Rick; Kahler, Pam; Hanaman, Cathlene; Nikolay, Robert A - DCF; Shovers, Marc
Cc: Currans-Sheehan, Rachel H - DHS
Subject: RE: Milwaukee IM

All,

I have answers to Rick's questions below and to others in our meeting this morning. Rick, I've bolded answers below.

Others:

Marc: We don't want anything in ch. 63 to apply; we don't want to be bound by the county civil service system. I certainly don't know much about classified vs. unclassified so I'm afraid of designating the county employees as classified. Could you generally 'except' the enrollment unit from ch. 63? Or, notwithstanding ch. 63 in other places like pg. 10?

Residency issue (can't remember whose this was): The requirements are in the Milwaukee County Civil Service Rules.

All: It seems we may not need to define 'nonsupervisory staff' or even indicate that they will be a

04/01/2009

LRB-2235/PI
PJK/RAC/CMH/MES:cjs:md

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT *to renumber and amend* 49.496 (4), 49.497 (2), 49.793 (2) and 49.847 (3); *to amend* 20.435 (4) (bn), 20.435 (4) (im), 20.435 (4) (L), 40.05 (4) (a) 2., 46.215 (1) (intro.), 49.496 (5), 49.78 (2), 49.78 (10) (a), 49.785 (1) (intro.), 49.785 (lm) (a), 49.785 (lm) (b), 49.785 (lm) (c), 49.89 (7) (a) and 111.70 (1) (a); and *to create* 40.02 (25) (b) 2c., 40.22 (2) (m), 49.496 (4) (b), 49.497 (2) (b), 49.793 (2) (b), 49.825, 49.847 (3) (b), 49.89 (7) (f), 63.03 (2) (r), 111.70 (3m) and 230.44 (1) (h) of the statutes; **relating to:** administration of certain public assistance programs in Milwaukee County, removing county civil service protections from certain employees, required provisions in certain collective bargaining

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1 agreements under the Municipal Employment Relations Act, and making an
2 appropriation.

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
10 care program under s. 49.665, the food stamp program, and the cemetery, funeral,
11 and burial expenses program under s. 49.785.
12 SECTION 2. 20.435 (4) (im) of the statutes is amended to read:
13 20.435 (4) (im) *Medical assistance; correct payment recovery; collections; other*
14 *recoveries*. All moneys received from the recovery of correct medical assistance
15 payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7)
16 ,and,, all moneys received as collections and other recoveries from providers, drug
17 manufacturers, and other 3rd parties under medical assistance performance-based
18 contracts, and all moneys credited to this appropriation account under s 49 89 (7)
19 a for payments to counties and tribal governing bodies under s. 49.496 (4) (a), for
20 payment of claims under s. 867.035 (3), for payments to the federal government

for

1 its share of medical assistance benefits recovered, for the state share of
medical
2 assistance benefits provided under subch. IV of ch. 49, and for costs related
to
3 collections and other recoveries.
4 SECTION 3. 20.435 (4) (L) of the statutes is amended to read:
5 20.435 (4) (L) *Fraud and error reduction. All moneys received as the*
state's
6 share of the recovery of overpayments and incorrect payments under ss.
49-847,
7 49.497 (1) and (1m), 49.793 (2) La, and 49.847. all moneys
received from counties
8 and tribal governing bodies as a result of any error reduction activities under
ss.
9 49.197 and 49.845, and all moneys credited to this appropriation account
under ss.
10 49.497 (2) (b), 49.793 (2) (b), and 49.847 (3) (b), for any contracts under s.
49.197 (5),
11 for any activities to reduce error and fraud under s. 49.845, to pay federal
sanctions
12 under the food stamp program, and for food stamp reinvestment activities
under
13 reinvestment agreements with the federal department of agriculture that are
14 designed to improve the food stamp program.
15 SECTION 4. 40.02 (25) (b) 2c. of the statutes is created to read:
16 40.02 (25) (b) 2c. *A state employee described in s. 49.825 (4).*
17 SECTION 5. 40.05 (4) (a) 2. of the statutes is amended to read:
18 40.05 (4) (a) 2. For an insured employee who is an eligible employee
under s.
19 40.02 (25) (a) 2. or (b) 1m. or 2c., the employer shall pay required employer
20 contributions toward the health insurance premium of the insured employee
21 beginning on the date on which the employee becomes insured. For an
insured state
22 employee who is currently employed, but who is not a limited term
appointment
23 under s. 230.26 or an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m.
or 2c., the

24
insurance
25
month

employer shall pay required employer contributions toward the health
premium of the insured employee beginning on the first day of the 3rd

1 beginning after the date on which the employee begins employment with the state,
2 not including any leave of absence. For an insured employee who has a limited
term
3 appointment under s. 230.26, the employer shall pay required employer
4 contributions toward the health insurance premium of the insured employee
5 beginning on the first day of the 7th month beginning after the date on which the
6 employee first becomes a participating employee.

7 SECTION 6. 40.22 (2) (m) of the statutes is created to read:
8 40.22 (2) (m) The employee was formerly employed by Milwaukee County,

is
9 appointed to a state position in the department of health services, and elects
10 to remain a covered employee under the retirement system established under
11 chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c).

Deleted: supervisor

12 SECTION 7. 46.215 (1) (intro.) of the statutes is amended to read:
13 46.215 (1) CREATION; POWERS AND DUTIES. (intro.) In a county with
a population
14 of **500,000** or more the administration of welfare services, other than child welfare
15 services under s. 48.48 (17) administered by the department and except as provided
16 in s. 49.825, is vested in a county department of social services under the

jurisdiction
17 of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in
any
18 law to a county department of social services under this section applies to a county
19 department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the
20 powers and duties of the county department of social services. The county
21 department of social services shall have the following functions, duties and

powers,
22 and such other welfare functions as may be delegated to it:
23 SECTION 8. 49.496 (4) of the statutes is renumbered 49.496 (4) (a) and
amended
24 to read:

1 49.496 (4) (a) The department may require a county department under
s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
American Indian tribe administering medical assistance to gather and provide the
3 department with information needed to recover medical assistance under this section.
4 The
5 department or Except as provided in par. (b), the department shall pay to a county
6 the tribal governing body an amount equal to 5% of the recovery collected by
7 tribal department relating to a beneficiary for whom the county department or
8 governing body made the last determination of medical assistance eligibility.
A
9 county department or tribal governing body may use funds received under
this 10 Pubsection paragraph only to pay costs incurred under this ~ paragraph
11 and, if any amount remains, to pay for improvements to functions required
under s. 12 49.78 (2). The department may withhold payments under this subsec-tien
paragraph 13 for failure to comply with the department's requirements under this
s4ibsePtie:A
14 para rg-aaph. The department shall treat payments made under this subsee
15 paragraph as costs of administration of the Medical Assistance program.
16 SECTION 9. 49.496 (4) (b) of the statutes is created to read:
17 49.496 (4) (b) The department shall credit to the appropriation
account under 18 s. 20.435 (4) (im) any amount that the department would otherwise pay
under par. 19 (a) to a county department under s. 46.215 for any recovery collected by the
20 department relating to a beneficiary for whom department employees or
officers, or 21 county employees or officers under the management of the department,
made the 22 last determination of medical assistance eligibility.

23

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

24

49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435

(4) (im), the

25

department shall pay the amount of the payments under sub. (4) (a) that is

not paid

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

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

7 49.497 (2) (a) A Except as provided in par. (b), a county or governing body

of
8 a federally recognized American Indian tribe may retain 15% of benefits provided
9 under this subchapter or s. 49.665 that are recovered under this section due to the
10 efforts of an employee or officer of the county or tribe.

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

12 49.497 (2) (b) Any amount that Milwaukee County would otherwise be

entitled
13 to retain under par. (a) for benefits recovered due to the efforts of a department
14 employee or officer, or a county employee or officer under the management of the
15 department, shall be credited to the appropriation account under s. 20.435 (4) (L).

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

17 49.78 (2) CONTRACTS. Annually, for the income maintenance program

functions
18 that the department delegates to a county or tribal governing body, the department
19 shall contract with the county department or tribal governing body under ss. 46.215, 46.22, and
20 or 46.23, and may contract with the tribal governing bodies body, to reimburse the
21 county departments And department or tribal governing bodies body for the
22 reasonable cost of administering income maintenance programs.

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

24 49.78 (10) (a) Each county treasurer and director of a county department

under
25 s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and

each

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

10 SECTION 15. 49.785 (1) (intro.) of the statutes is amended to read:
11 49.785 (1) (intro.) Except as provided in sub. (1m) and subject to s.
49.825, if
12 any recipient specified in sub. (1c) dies and the estate of the deceased
recipient is
13 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
14 recipient, the department or county or applicable tribal governing body or
15 organization responsible for burial of the recipient shall pay, to the person
16 designated by the department or county department under s. 46.215, 46.22,
or 46.23
17 or applicable tribal governing body or organization responsible for the burial
of the
18 recipient, all of the following:
19 SECTION 16. 49.785 (1m) (a) of the statutes is amended to read:
20 49.785 (1m) (a) If the total cemetery expenses for the recipient exceed
\$3,500,
21 the department or county or applicable tribal governing body or organization
22 responsible for burial of the recipient is not required to make a payment for
the
23 cemetery expenses under sub. (1) (a).

24 SECTION 17.49.785 (1m) (b) of the statutes is amended to read:

1 49.785 (1m) (b) If the total funeral and burial expenses for the recipient
exceed
2 \$3,500, the department or county or applicable tribal governing body or
organization
3 responsible for burial of the recipient is not required to make a payment for funeral
4 and burial expenses under sub. (1) (b).
5 SECTION 18. 49.785 (1m) (c) of the statutes is amended to read:
6 49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12
7 months after the death of the recipient, the department or county or applicable
tribal
8 governing body or organization responsible for burial of the recipient is not
required
9 to make a payment for cemetery, funeral, or burial expenses.
10 SECTION 19. 49.793 (2) of the statutes is renumbered 49.793 (2) (a) and
11 amended to read:
12 49.793 (2) (a) A Except as provided in par. (b), a county or governing body
of
13 a federally recognized American Indian tribe may retain a portion of the amount of
14 an overpayment the state is authorized to retain under 7 USC 2025 which that is
15 recovered under sub. (1) due to the efforts of an employee or officer of the county
or
16 tribe. The department shall promulgate a rule establishing the portion of the
17 amount of the overpayment that the county or governing body may retain. This
18 subsection paragraph does not apply to recovery of an overpayment that was made
19 as a result of state, county, or tribal governing body error.
20 SECTION 20. 49.793 (2) (b) of the statutes is created to read:
21 49.793 (2) (b) Any amount that Milwaukee County would otherwise be
entitled
22 to retain under par. (a) for the recovery of an overpayment due to the efforts of a
23 department employee or officer, or a county employee or officer under the
24 management of the department, shall be credited to the appropriation account
under
25 s. 20.435 (4) (L).

1 SECTION 21. 49.825 of the statutes is created to read:
2 49.825 **Department administration in Milwaukee County.** (1)

3 DEFINITIONS. In this section:

4 (a) "County" means Milwaukee County.

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

6 (c) "Income maintenance program" has the meaning given in s. 49.78

(1) (b).

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

8 (2) ESTABLISHMENT OF UNIT. (a) The department shall establish

a Milwaukee

9 County enrollment services unit under s. 15.02 (3) (c) 3. to determine

eligibility under

10 and administer the following public assistance programs in the county:

11 1. Income maintenance programs.

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

13 (c) The department may enter into a contract with the county that

14 provides for the performance by the county of any of the administrative functions under

15 this subsection.

16 (d) 1. The department shall reimburse the county for all approved,

17 allowable costs that exceed the amounts specified in subd. 2. and that are incurred by

18 the county under a contract with the department for the operation of income

19 maintenance programs in the county.

Deleted: 3. The child care subsidy program under s. 49.155.¶
14 (b) The department of children and families shall enter into a contract with the
15 department of health services that provides for the determination of eligibility under
16 and administration of the program under s. 49.155 in the county by the department
17 of health services.

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

8 (3) DIVISION OF EMPLOYMENT-RELATED FUNCTIONS. (a)

Supervisory personnel in

9 the unit shall be state employees. Nonsupervisory staff performing services under
10 this section for the unit ~~may be a combination of state employees and employees of~~

Deleted: shall

Milwaukee County. For the

11 performance of services under this section for the unit, the county shall maintain

no
12 fewer authorized full time employee positions than the number that were

authorized
13 on February 1, 2009, for performance of the same types of services.

14 (c) 1. The department shall have the authority to hire, transfer, suspend, lay
15 off, recall, promote, discharge, assign; reward, discipline, and adjust grievances

with
16 respect to county employees performing services under this section for the unit.

this
17 2. For the purpose of hiring county employees performing services under

procedures
18 section for the unit, the department shall use the same hiring process and

civil
19 under ch. 230 that is used for appointments to the classified service of the state

20 service system.

21 3. The department may enter into a memorandum of understanding, as
22 described under s. 111.70 (3m), with the certified representative of the county
23 employees performing services under this section for the unit. If there is a dispute
24 between the department and the certified representative, the department may

1 resolve the dispute by unilaterally implementing a memorandum of understanding
2 with respect to the wages, hours, and conditions of employment of the employees.
3 (d) The county shall perform all administrative tasks related to payroll and
4 benefits for the county employees performing services under this section for the unit.
5 (4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO
SUPERVISOR POSITIONS
6 IN THE UNIT. All of the following shall apply to an employee who is appointed to a
7 supervisor position in the unit after the effective date of this subsection [LRB
8 inserts date], and who, immediately prior to his or her appointment, was a county
9 employee:
10 (a) The employee shall have his or her seniority with the state computed by
11 treating the employee's total service with the county as state service.
12 (b) Annual leave for the employee shall accrue at the rate provided in s.
230.35
13 using the employee's state service computed under par. (a).
14 (c) The employee may remain a participating employee in the retirement
15 system established under chapter 201, laws of 1937. To remain under the
retirement
16 system established under chapter 201, laws of 1937, the employee must exercise
this
17 option in writing, on a form provided by the department, at the time the employee
18 is appointed to a state position. The secretary shall pay, on behalf of the
19 employee, all required employer contributions under the retirement system
20 established under chapter 201, laws of 1937.
21 SECTION 22. 49.847 (3) of the statutes is renumbered 49.847 (3) (a) and
22 amended to read:
23 49.847 (3) (a) Subject to ss. 49.497 (2) and 49.793 (2), and except as
provided
24 in par. b , a county or elected governing body may retain a portion of an amount

Deleted: supervisor

1 recovered under this section due to the efforts of an employee or officer of the
2 county,
3 tribe, or band, as provided by the department by rule.

4 SECTION 23. 49.847 (3) (b) of the statutes is created to read:
5 49.847 (3) (b) Any amount that Milwaukee County would otherwise be

6 entitled
7 to retain under par (a) for the recovery of an amount under this section due to the
8 efforts of a department employee or officer, or a county employee or officer under
9 the

10 management of the department, shall be credited to the appropriation account
11 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

16 incentive
17 payment from the sum recovered as provided under this subsection.

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

19 49.89 (7) (f) The amount of any incentive payment to which Milwaukee

20 County
21 would otherwise be entitled under this subsection for a recovery under this section
22 due to the efforts of an employee or officer of the department of health services, or
23 a county employee or officer under the management of the department of health
24 services, shall be credited to the appropriation account under s. 20.435 (4) (im).

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

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

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

111.70 (1) (a) "Collective bargaining" means the performance of the mutual
obligation of a municipal employer, through its officers and agents, and the
representative of its municipal employees in a collective bargaining unit, to meet

and

Comment [SM1]: I've been
separately emailing Marc about this
change.

2009 - 2010 Legislature - 13 - LRB-2235/PI
PJK/RAC/CMH/ME S: cjs: and
SECTION 27

1 confer at reasonable times, in good faith, with the intention of reaching an
2 agreement, or to resolve questions arising under such an agreement, with
respect to
3 wages, hours and conditions of employment, and with respect to a
requirement of the
4 municipal employer for a municipal employee to perform law enforcement
and fire
5 fighting services under s. 61.66, except as provided in subs. (3m)
and (4) (m) and
6 s. 40.81 (3) and except that a municipal employer shall not meet and confer
with
7 respect to any proposal to diminish or abridge the rights guaranteed to
municipal
8 employees under ch. 164. The duty to bargain, however, does not compel
either party
9 to agree to a proposal or require the making of a concession. Collective
bargaining
10 includes the reduction of any agreement reached to a written and signed
document.
11 The municipal employer shall not be required to bargain on subjects
reserved to
12 management and direction of the governmental unit except insofar as the
manner
13 of exercise of such functions affects the wages, hours and conditions of
employment
14 of the municipal employees in a collective bargaining unit. In creating this
15 subchapter the legislature recognizes that the municipal employer must
exercise its
16 powers and responsibilities to act for the government and good order of the
17 jurisdiction which it serves, its commercial benefit and the health, safety and
welfare
18 of the public to assure orderly operations and functions within its
jurisdiction,
19 subject to those rights secured to municipal employees by the constitutions
of this
20 state and of the United States and by this subchapter.
21 SECTION 28. 111.70 (3m) of the statutes is created to read:

22

111.70 (3m) MILWAUKEE COUNTY ENROLLMENT SERVICES

UNIT. A collective

23

bargaining agreement that covers nonsupervisory municipal employees

Comment [SM2]: This is OK.

performing

24

services for the Milwaukee County enrollment services unit under s. 49.825

shall

25

contain a provision that permits the terms of the agreement to be modified

with

1 respect to wages, hours, and conditions of employment by a memorandum of
2 understanding under s. 49.825 (3) (c) 3.
3 SECTION 29. 230.44 (1) (h) of the statutes is created to read:
4 230.44 (1) (h) *Appointment of Milwaukee County employees by the department*
5 *of health services.* A decision of the department of health services relating to the
6 appointment of a Milwaukee County employee under s. 49.825 (3) (c).

7 SECTION 30. **Nonstatutory provisions.**

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

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

10 1. "County" means Milwaukee County.

11 2. "County department" means the Milwaukee County department of social
12 services.

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

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

and

17 3. of the statutes, as created by this act, and shall cooperate in the transition. The
18 department shall develop a transition plan that includes the reporting, exchange of
19 information, and staff deployment that the department needs and that the county
20 department must provide for the transition. The secretary of administration shall
21 resolve any disagreement between the department and the county or county
22 department.

23 (c) *Records.* By January 15, 2010, the county shall transfer to the department
24 all records in the possession of the county that are related to eligibility processing
25 for the programs specified in section 49.825 (2) (a) 1., 2., and 3. of the statutes, as

1 created by this act. The county department and the department shall jointly
identify
2 those records and jointly develop and implement a plan for the orderly
transfer of the
3 records.
4 (d) *County administration.* In calendar year 2009, the county shall
continue
5 to perform the administrative functions for the programs specified in section
49.825
6 (2) (a) 1., 2., and 3. of the statutes, as created by this act, as provided under
any
7 contracts requiring those administrative functions until the department
notifies the
8 county that it is prepared to assume responsibility for the administrative
functions.
9 The county and department shall contract with respect to administrative
functions
10 that the department requires the county to perform to assist the department in
11 administering the programs specified in section 49.825 (2) (a) 1., 2., and 3.
of the
12 statutes, as created by this act, for the years after 2009.

13 **SECTION 31. Initial applicability.**

14 (1) This act first applies to any employee of Milwaukee County who
is covered
15 by a collective bargaining agreement that contains provisions inconsistent
with this
16 act on the day on which the collective bargaining agreement expires or is
extended,
17 modified, or renewed, whichever occurs first.

18

(END)

i