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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections, and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



State of Wisconsin
Department of Health Services

Jim Doyle, Governor
Karen E. Timberlake, Secretary

SB 161?

April 16, 2009

Honorable Spencer Coggs, Chairman
Committee on Labor, Elections and Urban Affairs
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Honorable Christine Sinicki, Chairwoman
Committee on Labor
Room 114 North
State Capitol
P.O. Box 8953
Madison, WI 53708

RE: West v. Timberlake, *et al* Settlement Agreement

Dear Chairman Coggs and Chairwoman Sinicki:

Enclosed please find the Settlement Agreement between the Plaintiffs and the State Defendants in the West v. Timberlake, *et al* litigation, which has been executed today.

We are pleased that we have reached an agreement with plaintiffs' counsel. We remain confident that this approach will improve services to residents of Milwaukee and result in a dismissal of this class action litigation.

If you have any questions about this matter, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Karen E. Timberlake".

Karen E. Timberlake
Secretary

Cc: Assembly Labor Committee
Senate Labor, Elections and Urban Affairs Committee

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

APRIL WEST, SHENITA
HORTON, NATALIE ESPINOZA,
SHIRA RAYMOND, AWILDA
BOSQUE, BOBBIE PRESCOTT,
JULETTE MURPHY, ELIZABETH
TORRES, CAROLINE WESLEY,
MARY RANSON, ANGELA
CLEMENTS, CLARA TRUJILLO,
JEFFREY POLINSKE, RAFAEL
GARCIA, JR. and DESIREE
SEAMSTER, individually
and on behalf of all other similarly
situated persons.

Plaintiffs,

v.

Case No. 08-CV-0670

KAREN TIMBERLAKE, JASON
HELGERSON, COREY HOZE, and
FELICE RILEY,

Defendants.

**SETTLEMENT AGREEMENT
BETWEEN ALL PLAINTIFFS AND DEFENDANTS
KAREN TIMBERLAKE AND JASON HELGERSON**

WHEREAS, this lawsuit was initiated by the filing of a complaint on July 7, 2008, in Milwaukee County Circuit Court Case No. 08-CV-9216 seeking declaratory and injunctive relief against the following defendants: Karen Timberlake and Jason Helgerson (hereinafter the "State Defendants") and Corey Hoze and Felice Riley (hereinafter the "County Defendants"); and

WHEREAS, the State Defendants, with the consent of the County Defendants, removed Milwaukee County Circuit Case No. 08-CV-9216 to federal court by notice of removal filed August 6, 2008; and

WHEREAS, an amended complaint was filed on October 31, 2008, adding plaintiffs and seeking certification of a class of plaintiffs, and approved by the Court on April 8, 2009; and

WHEREAS, this action alleges claims arising under 42 U.S.C. § 1983, the Food Stamp Act, 7 U.S.C. § 2011 *et seq.*, the Social Security Act, 42 U.S.C. §§ 1396 *et seq.*, and 1397aa, *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and § 504 of the Rehabilitation Act, 29 U.S.C. § 794 and further asserts failures in the administration of the Food Share, Medical Assistance and BadgerCare Plus programs (“hereinafter Milwaukee County income maintenance programs”) in Milwaukee County; and

WHEREAS, Plaintiffs and State Defendants now want to resolve this controversy on mutually satisfactory terms by compromising disputed claims;

NOW THEREFORE, in consideration of the undertakings set forth herein and intending to be legally bound thereby, it is stipulated and agreed to by the Plaintiffs and the State Defendants, represented by their undersigned counsel, that all of Plaintiffs’ claims for relief which were asserted in this action against State Defendants shall be fully resolved on the following terms as set forth in this Settlement Agreement.

I. CERTIFICATION OF THE PLAINTIFF CLASS AND CLASS NOTICE

A. By an order dated April 8, 2009, the Court certified a class under Fed. R. Civ. P. 23(b)(2) using a definition that assumed ongoing administration of the Milwaukee County income maintenance programs by Milwaukee County. With respect to all claims asserted in the amended complaint, the Plaintiffs and State Defendants do hereby agree that the class definition in the Court's order should be amended to describe the class as follows:

All eligible applicants for, and recipients of, Food Share, Medical Assistance (MA), and Badger Care Plus who reside in Milwaukee County with the exception of: MA recipients who also receive Supplemental Security Income (SSI) or foster care; and, applicants for, and recipients of, Katie Beckett MA, SeniorCare, BadgerCare Plus Core Plan for Childless Adults, Family Care, or a home and community-based waivers program under section 1915 of the Social Security Act.

B. The parties agree that notice to the class is not mandatory pursuant to Fed. R. Civ. P. 23(c)(2)(A) at this time. The parties further agree that notice to the class of this Settlement Agreement should be made at the time of dismissal of the action as to the State Defendants, with notice to be accomplished by a one-time mailing to class member "case heads" (otherwise called "heads of households") or authorized representatives, and through publication of the notice in the newspaper of record, here, the Milwaukee Journal Sentinel. Such notice will outline the terms of this settlement and the compliance achieved by the Department of Health Services (hereinafter "the Department"). The State Defendants shall bear the cost of notice.

II. STATE OF WISCONSIN ASSUMPTION OF RESPONSIBILITY FOR PROGRAMS.

A. The Department will assume direct responsibility for the administration of the Milwaukee County income maintenance programs. The Department's purpose is to improve services to residents of Milwaukee County for the programs at issue.

B. The Department has executed a transition plan, with the goal that the Department will assume direct responsibility for the administration of the Milwaukee County income maintenance programs no later than January 1, 2010.

C. The Department will create a Community Advisory Group that will provide input to the Department on the Milwaukee County income maintenance programs.

D. The Department will process applications, reviews, Six Month Review Forms ("SMRFs"), and verification in accordance with procedures and timelines as set forth in 7 C.F.R. § 273.2(g) and (h), 7 C.F.R. § 273.2(i), 7 C.F.R. § 273.12(c), 7 C.F.R. § 273.14(d) and (e), 42 C.F.R. § 435.911, 42 C.F.R. § 435.916, and 42 C.F.R. § 457.340 as implemented by Wis. Admin. Code § DHS 102.04.

E. The Department will revise the verification letter that is now used to request verification in order to comply with the requirements set forth in 7 C.F.R. § 273.2(c)(5), and will draft a new letter advising clients if the verification received is inadequate.

III. MONITORING AND MONTHLY REPORTS.

A. During calendar year 2009, the Department agrees to provide Plaintiffs' counsel with reports in June and November summarizing the progress of the transition plan described in section II of this Settlement Agreement.

B. Beginning in calendar year 2010, through dismissal of this action as to the State Defendants, the Department agrees to provide Plaintiffs' counsel with monthly Milwaukee County Enrollment Services reports in the form set out in Attachment A. The first report will be due on or before February 28, 2010.

IV. STAY AND DISMISSAL

A. Because the Plaintiffs and State Defendants believe that the Department's assumption of direct responsibility for the administration of Milwaukee County income maintenance programs will correct the problems raised in the amended complaint, Plaintiffs and State Defendants agree to request a court order staying this litigation to provide time for the transition of responsibility for the administration of Milwaukee County income maintenance programs from Milwaukee County to the Department.

B. If the Court does not stay the litigation pursuant to this stipulation, the terms of this Settlement Agreement are not binding on the parties.

C. On or about November 16, 2010, the State Defendants and Plaintiffs' counsel will meet to discuss the Department's compliance with the timeliness standards detailed in Section II.D of this Settlement Agreement over the first ten months of 2010. If the Department has not achieved at least 75% compliance with timely processing of

applications (excluding disability determination cases) and reviews as demonstrated by the monthly Milwaukee County Enrollment Services Reports averaged over the months of August, September, and October, 2010, then Plaintiffs' counsel may request that the Court lift the stay for the purpose of resuming litigation. Before such motion may be filed, Plaintiffs' counsel will provide the State Defendants with a minimum two-week period in which to formulate a corrective action plan to further improve timeliness.

D. The Plaintiffs and State Defendants stipulate and agree to the following terms under which this litigation will be dismissed as to the State Defendants:

1. Within thirty days of receipt by Plaintiffs' counsel of the Department's Milwaukee County Enrollment Services report (see paragraph III.B.) for January 2011, the Plaintiffs shall sign a release and request that the Court dismiss the action as to State Defendants with prejudice, subject to the hearing required by Fed. R. Civ. P. 23(c)(2), unless Plaintiffs have filed a motion seeking to delay dismissal of this action as to State Defendants.

2. A motion to delay dismissal of this action as to State Defendants may only be made if the Department has not (a) complied with paragraph II. E. above (revised verification letters); or (b) the Milwaukee County Enrollment Services reports demonstrate that the Department has failed to meet the following standards averaged over the months of November 2010, December 2010, and January 2011:

- i. 90% of applications for Food Share, Medical Assistance and BadgerCare Plus processed timely (excluding disability determination cases);
- ii. 90% of reviews for Food Share, Medical Assistance and Badger Care Plus processed timely;

iii. 90% of Food Share Six Month Report Forms (SMRFs) processed timely;

iv. 90% of verification documents requested as a result of a reported change processed timely.

E. Should litigation continue, it is understood that Plaintiffs may pursue only injunctive relief.

V. ATTORNEY FEES.

A. For purposes of attorneys fees, Plaintiffs shall be considered prevailing parties.

B. After the litigation has been stayed pursuant to this Settlement Agreement, the State of Wisconsin will pay to Plaintiffs' attorneys a negotiated amount in full and final settlement of all claims against State Defendants that Plaintiffs or their counsel may have for attorneys fees, disbursements and costs arising from this litigation through the date of the Court's order staying this litigation.

C. Following approval of this Settlement Agreement and dismissal of this action, the Plaintiffs may seek reimbursement from the State Defendants for reasonable attorneys fees and costs necessary for monitoring and enforcement of this agreement through final dismissal of this lawsuit as to the State Defendants.

D. The total amount of requested fees shall not exceed \$100,000 unless this action is not dismissed as to the State Defendants on or before March 31, 2011. Any disputes as to attorneys fees and costs will be resolved by hearing before the Court pursuant to Fed. R. Civ. P. 23(h)(4), and no party waives its rights to assert or contest fees as reasonable and necessary to the litigation.

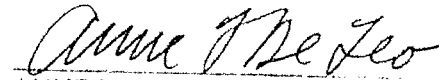
NOW THEREFORE IT IS UNDERSTOOD THAT this Settlement Agreement is a full, final and complete compromise and settlement of claims, actual, doubtful or disputed, as to questions of liability, damage and remedy for the claims raised in this action as to the State Defendants, and is not to be construed as an admission of liability by the State Defendants, their respective agents, their respective officers or their respective employees.

IT IS FURTHER UNDERSTOOD THAT this Settlement Agreement shall be presumed to have been jointly prepared by Plaintiffs, the State Defendants, and their counsel. To the extent that any term is found to be ambiguous, such ambiguity will not be construed against any party as the drafter of this Settlement Agreement.

FOR PLAINTIFFS:

Dated this 16th day of April, 2009.

By:



ANNE L. De LEO
State Bar #1016948

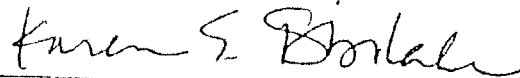
Class Counsel

Nelson, Irvings & Waeffler, S.C.
3077 North Mayfair Road, Suite 203
Wauwatosa, WI 53222
(414) 777-0220
Email: anne@niwlaw.com

FOR THE STATE DEFENDANTS:


Dated this 16th day of April, 2009.

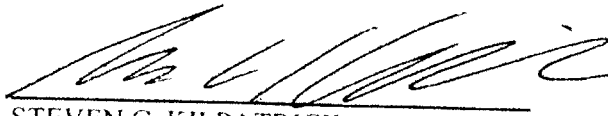
By:



Karen E. Timberlake
Secretary
Wisconsin Department of Health Services

J.B. VAN HOLLEN
Attorney General


JENNIFER SLOAN LATTIS
Assistant Attorney General
State Bar #1000387


STEVEN C. KILPATRICK
Assistant Attorney General
State Bar #1025452

Attorneys for the State Defendants,
Karen E. Timberlake and
Jason A. Helgerson

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857

(608) 267-3519 (Lattis)
lattisjs@doj.state.wi.us

(608) 266-1792 (Kilpatrick)
kilpatricksc@doj.state.wi.us

Attachment A - Milwaukee County Enrollment Services Report (Month) 2010 (created mm/dd/yyyy)

| Programs Open (confirmed) | Cases |
|------------------------------|-------|
| BadgerCare Plus Only | |
| Medicaid EBD Only | |
| Medicaid LTC Only | |
| Medicaid Other Only | |
| BadgerCare Plus/FoodShare | |
| Medicaid EBD & LTC/FoodShare | |
| Medicaid Other/FoodShare | |
| FoodShare Only | |
| Total Cases | |

| Timeliness | |
|---|--|
| Applications Processed in Month | |
| % Applications Processed Timely | |
| Reviews Processed in Month | |
| % Reviews Processed Timely | |
| SMRFs Processed In Month: | |
| Received by 5 th day of Month | |
| % Processed Timely | |
| Received after 5 th day but within Month | |
| % Processed Timely | |
| Change Report – Verifications: | |
| Number not processed timely | |
| % not processed timely | |

| Verification-Related | |
|--|--|
| Number of Cases Pending Due to Verification | |
| Number of Cases Pending Beyond Timely Processing due to Verification | |
| Earliest Filing Date with Verification Pending | |

| Churning | |
|--|--|
| Number of Cases Closed in Last 60 Days and Reopened This Month | |

| Change/Call Center | |
|---|--|
| Total Phone Calls to Milwaukee Change/Call Center | |
| Percentage Answered | |
| Average Hold Time | |

Timeliness Definitions for Medicaid, BadgerCare Plus, and FoodShare

For purposes of monthly reporting and the standards for a continued stay and stipulated dismissal under section IV of the Settlement Agreement, the following definitions for timeliness will be used. However, in the event that prior to dismissal of the action as to the State Defendants the federal government amends the standards for timeliness, the definitions herein may be amended to be consistent with the revised standards.

1. Applications

An application is timely processed if it is processed within 30 calendar days following the date the application was *filed*, or, if new or additional information is requested, the application is processed by the 30th calendar day following the application date or 10 days from the date additional information was requested, whichever is later.

- An application is *filed* the day the agency receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative.
- The *filing date* on an ACCESS application is the date the application is electronically submitted or the next business day if submitted after the agency's regularly scheduled business hours.

Expedited FoodShare Applications

An expedited benefits application will be considered timely processed if it is processed so that the applicant receives benefits by the seventh calendar day following the date the application is filed.

2. Reviews

A review will be considered timely processed if it is processed within the calendar month for which the review is due, or 10 days from the date additional information was requested, whichever is later.

3. FoodShare Six-Month Report Forms Received by the 5th of the Report Month.

A *complete* SMRF returned by the 5th day of the report month that is processed by the end of the report month will be considered timely processed.

A *complete* SMRF contains the signature of an adult household member and verification of:

- Current gross earned and unearned income received by all household members including self-employment.
- Changes in household composition.
- Address change resulting in changes in shelter and utility expenses
- Change in legal obligation to pay child support

An *incomplete* SMRF will be considered timely processed if it is processed within 10 days of receipt of required verification or by the end of the report month, whichever is later.

4. FoodShare Six-Month Report Forms Received after the 5th, but Before the End of the Report Month.

A complete SMRF returned after the 5th but prior to the end of the report month will be considered timely processed if it is processed within 10 days of receipt of the SMRF or by the end of the report month, whichever is later. If verification is requested, it will be considered timely processed if it is processed within 10 days of the date verification is provided or by the end of the report month, whichever is later.

An *incomplete* SMRF that is processed within 10 days of receipt of required information, verification or both, or by the end of report month, whichever is later, will be considered timely processed.

5. Verification Documents for Change Reports

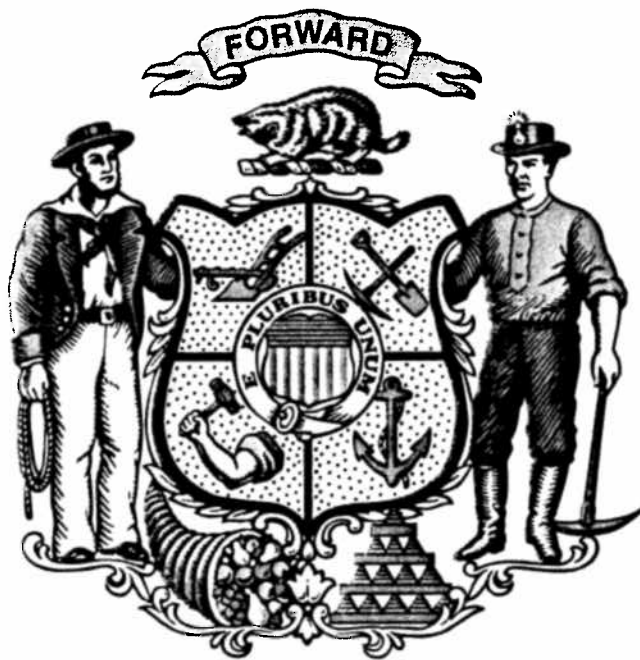
Verification that is processed within 10 calendar days of receipt will be considered timely processed.

Tracking:

The processing of all applications, reviews and SMRFs will be tracked. Data from the CARES eligibility system will be used and will be reported as of the last day of each calendar month.

Tracking of timeliness of verification documents for all change reports will be done manually by Income Maintenance agency managers.

NB: If the last day on which to act falls on a weekend or government holiday, action taken the next business day will be considered timely.





State of Wisconsin
Department of Health Services

Jim Doyle, Governor
Karen E. Timberlake, Secretary

Date?

**MILWAUKEE COUNTY INCOME MAINTENANCE ADMINISTRATION
AB 194 AND SB 161**

BACKGROUND:

- Milwaukee County has demonstrated a sustained inability to successfully provide services to its customers. Merely providing more funds and state staff assistance to Milwaukee County has historically not improved services; in fact by many indicators the County's performance has worsened.
- A lawsuit has been filed against the Department that seeks remedy of poor IM services provided in Milwaukee County. Dismissal of the litigation is contingent upon a sustained period of good performance under state management. IM service administration could eventually be resumed by Milwaukee County following a sustained period of good performance under state management.

THE STATE'S PLAN FOR SUCCESS:

- The State is assuming management responsibilities for Milwaukee County IM functions.
 - DHS will assume management for enrollment services functions.
 - DCF will assume management for child care program integrity, child care provider communication, and certification of child care providers.
- DHS and DCF are retaining county staff who are currently eligibility, clerical, program-integrity and certification workers to:
 - utilize the experience of county workers performing job duties,
 - retain benefits and eliminate gaps in employment for county workers,
 - decrease further delays in access to benefits for Milwaukee residents, and
 - ease the eventual transition of responsibility back to Milwaukee County.
- State employees will manage county eligibility or clerical workers to ensure DHS is able to provide necessary management and oversight to successfully provide services to persons in Milwaukee.
- By May, 2009 on-line applications will begin being processed by state staff and those cases managed by the state staff. By July 1, 2009 DHS would like to have the call center up and running with state/county employees, and by January 1, 2010 DHS will fully transition the Milwaukee enrollment services functions.

GOVERNOR'S BUDGET AB 75:

- Provides funding for state costs during the CY 2009 transition period while Milwaukee County is still responsible for administering the program. These funds will be used for the new state positions, transitional funding and for infrastructure start-up costs (rent, office equipment, supplies, etc.)

AB 194 AND SB 161:

- This enabling legislation will facilitate the implementation of a Call/Change Center by July 1, 2009 and the full transition by Jan. 1, 2010 through the following provisions:
 - Allows DHS and DCF state employees to supervise Milwaukee county employees.
 - Allows any Milwaukee county worker who applies and is hired for a state position to retain their county pension and consideration of their years of service for state leave policy.
 - Requires Milwaukee County to provide \$3.59 million (plus adjustments commensurate with annual increases to wages and benefits) annually to contribute to the cost of funding IM administration just as other counties throughout the state do.





Milwaukee County

Board of Supervisors

April 23, 2009

Dear Members of the Milwaukee County State Legislative Delegation:

We are writing to oppose legislation (Assembly Bill 194/Senate Bill 161) that would transfer the administration of Income Maintenance (IM) from Milwaukee County to the State. Several provisions in the proposed legislation would adversely affect Milwaukee County and its property taxpayers.

The State assured Milwaukee County that it would not be required to commit additional property tax levy as part of its takeover of IM administration. Instead, AB 194 and SB 161 would require Milwaukee County to expend at least \$3,559,800 for the operation of IM programs, a \$559,800 or 18.7% increase over the amount appropriated in 2009.

Even more onerous is the escalator provision in the legislation that would increase Milwaukee County's property tax contribution by the rate of wages and benefits for County employees in each subsequent year. This requirement would set a bad precedent. The elected Milwaukee County Board of Supervisors and the Milwaukee County Executive are responsible for imposing the property tax. The escalator provision in the State legislation removes direct accountability for how property tax dollars are expended locally. Furthermore, it is unfair that this escalator provision would require Milwaukee County's property tax contribution to grow at a faster pace (5-8%) than the rate allowed under current State-imposed fiscal limits. By requiring a portion of the County tax levy to be set-aside for IM administration, fewer resources would be available for other County functions like parks, mass transit, and public safety.

The 2009-2011 budget also allocates \$14 million for the State takeover of Milwaukee County's IM programs. We believe these resources could be better spent by giving Milwaukee County the tools it needs to improve the program locally. Despite the State's continued underfunding of IM, Milwaukee County has achieved measurable results in recent months. The demonstrated improvements include a steady decrease in wait times for customers to speak with customer service representatives.

The "hybrid model" suggested by this legislation is both unprecedented and problematic for all parties involved. The bill would create two classes of County employees treated differently, resulting in inconsistent collective bargaining agreements for employees formerly in the same bargaining unit, one of which Milwaukee County had no part in negotiating but nonetheless will have to administer.

Moreover, the bill should be amended to reallocate potential liability for claims arising from injuries or other incidents. While State managers are supervising the employees in State buildings, the County has no control over damages arising from County employees carrying out their duties under these conditions.

Finally, the Marcia P. Cogs Center at 1220 W. Vliet Street, which currently houses IM functions, is readily accessible to Milwaukee County residents. The County asks that legislators maintain public accessibility of IM programs as DHS searches for a new site to house these programs.

We ask that you take into consideration the objections and suggestions for amendments raised in this letter. We also request that the State provide the County Board with written transition plans, so adequate preparations can be made.

Sincerely,

Don A. West

Elizabeth M. Capps

Robert Smith

James Rice

John Smith

Paul Brockman

Paul M. Cross

Lee Holloway

Ray SR.

Tom M. Clark

Willie Johnson, Jr.

[Signature]

Manna King

Paul C. Burton

[Signature]

John L. White

[Signature]

[Signature]

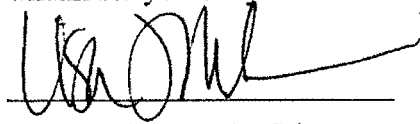
County of Milwaukee
Inter-office Communication

Date: April 23, 2009
To: Intergovernmental Relations
From: Lisa Marks, Interim Director - DHHS
Subject: **CLARIFICATION OF STATE IM TRANSITION ISSUES**

The Milwaukee County Department of Health and Human Services (DHHS) is seeking to clarify items Milwaukee County requires for successful transition.

- 1) DHHS has requested copies of the memoranda of understanding (MOU's) between Milwaukee County's Labor Union and the State Department of Health Services. To date Milwaukee County has not received a copy.
- 2) DHHS has requested a copy of the State's plan for program implementation. To date, DHHS has not received a copy of a plan.
- 3) As Secretary Timberlake acknowledged in her April 15, 2009 letter, there are number of unresolved issues. These issues include, but are not limited to:
 - Reimbursement to Milwaukee County for items such as payroll, applications for Family Medical leave
 - Indemnifications
 - Workers compensation
 - Transfer of client paper case files/documentation to the State
 - Family Care clarification; staff for determining and maintaining eligibility are transitioning to the State. Milwaukee County may not be the only Care Management Organization (CMO). Will Milwaukee County be expected to pay for non-county CMO's?

Thank for you for your assistance in trying to resolve these items.



Lisa Marks, Interim Director
Department of Health & Human Services

cc: County Executive Scott Walker
County Board Chairman Lee Holloway
County Supervisor West
Cindy Archer, DAS

MILWAUKEE COUNTY
INTER-OFFICE COMMUNICATION

Date: April 23, 2009
To: Intergovernmental Relations
From: Lisa Marks, Interim Director - DHHS
Subject: **Milwaukee County Property Tax Levy Commitment to Income Maintenance (IM)**

Assembly Bill 194 and Senate Bill 161 would require Milwaukee County to expend at least \$3,559,800 on Income Maintenance functions in 2009.

As reflected in Milwaukee County's testimony before the joint public hearing of the Assembly Committee on Labor and the Senate Committee on Labor, Elections and Urban Affairs, the 2009 Adopted Milwaukee County Department of Health and Human Services budget commits \$3,000,757 in property tax levy to provide these services. It should be noted that this overmatch contribution is not required and locally elected officials have voluntarily made a determination to commit these resources to this human services program, over competing interests like parks and transportation. Additionally, this \$3 million figure includes \$333,042 of tax levy dedicated to 211 Impact. **At this time, the State has not indicated they would support 211 Impact as part of their takeover of Income Maintenance functions.**

Therefore, adjustment to the Milwaukee County Adopted Budget would be required if Assembly Bill 194 and Senate Bill 161 were to pass without amendment.

Escalator Provision in AB 194 and SB 161

The legislation also includes an escalator provision that would automatically increase Milwaukee County's property tax contribution by the rate of wages and benefits for County employees in each subsequent year. Milwaukee County estimates that this escalator increase could raise the levy contribution between 5-8% in 2010 and future years. **Both the levy provision and the escalator stipulation in AB 194 and SB 161 run contrary to the State's assurances that Milwaukee County would not be required to commit additional property tax levy to Income Maintenance as part of the takeover.**

Community Aids Reporting System (CARS)

The State Department of Health Services (DHS) has noted that this \$3,559,800 figure reflects authorized expenditures for Milwaukee County as reported for 2007 through the Community Aids Reporting System (CARS). This CARS figures includes authorized expenditures that are not directly related to the State takeover of Economic Support Division employees. Without a copy of the State's IM administration plan, it is difficult to differentiate between associated expenditures and functions.

Expenditure reporting on CARS fluctuates from year to year due to multiple factors that may include budget variations and efforts to maximize allowable match. Milwaukee County has submitted to DHS its 2008 figures of \$2,385,484 on CARS. This \$1,174,316 difference in Milwaukee County's CARS reporting is attributable to, but not limited to, health insurance plan design changes that achieved significant savings.

Additional detail about Milwaukee County's 2008 and 2007 CARS reporting is available.

A handwritten signature in black ink, appearing to read 'Lisa Marks', written over a horizontal line.

Lisa Marks, Interim Director
Department of Health & Human Services

Cc: County Executive Scott Walker
County Board Chairman Lee Holloway
County Supervisor Peggy West
Cindy Archer, DAS

County of Milwaukee
Inter-office Communication

Date: April 23, 2009
To: Intergovernmental Relations
From: Lisa Marks, Interim Director - DHHS
Subject: **State IM Takeover – Tax Levy Information**

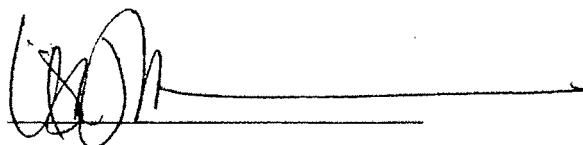
In 2009 the Milwaukee County Department of Health and Human Services budgeted tax levy (TL) of \$3,000,757. This amount plus \$3,000,757 in federal match (FED) is contributed to enhance the State's Income Maintenance program in Milwaukee County.

The attached information, as previously presented to the State Department of Health Services, demonstrates components of Milwaukee County's tax levy support of all Income Maintenance programs.

There is a net \$1.1 million tax levy difference between the actual contributions in 2007 and 2008. There are several reasons for the difference. First, a decrease of personnel costs which includes overtime, vacancy and turnover savings. Second, a decrease in fringe benefit costs. Health insurance savings achieved due to design plan changes. Third, a decrease in charges from other departments for services such as information technology. The savings in technology reflects the completion of several one-time projects.

Significant variances:

| | |
|-----------|--|
| Personnel | \$ 500,000 (\$250,000 TL + \$250,000 FED) |
| Fringe | \$1,200,000 (\$600,000 TL + \$600,000 FED) |



Lisa Marks, Interim Director
Department of Health & Human Services

cc: County Executive Scott Walker
County Board Chairman Lee Holloway
County Supervisor West
Cindy Archer, DAS

2007 Breakdown of Milwaukee County Community Aids Reporting System (CARS) Claim

| Expenditures | State IM Base Contract | Remaining Balance | Federal Match to County Tax Levy | County Tax Levy |
|------------------------------|------------------------|-------------------|----------------------------------|-----------------|
| \$24,192,890 | \$17,073,243 | \$7,119,647 | \$3,559,824 | \$3,559,824 |
| Total 2007 CARS Claim | | | | |

A.

| | | | | |
|--|---------------------|--------------------|--------------------|--------------------|
| Core ESD IM Functions State Mandated Eligibility Determination Functions for Income Maintenance. | \$20,721,902 | \$4,063,862 | \$2,031,931 | \$2,031,931 |
|--|---------------------|--------------------|--------------------|--------------------|

B.

| | | | | |
|---|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Other Eligible Expenditures for Federal Match as reported on CARS.* Aging Family Care Eligibility Depreciation | \$2,602,657 \$444,562 | \$2,187,454 \$444,562 | \$1,093,727 \$222,281 | \$1,093,727 \$222,281 |
| IM Eligibility Assistance MA Elig. Assistance (Behavioral Health Div.) County Board Constituent Assistance County Exec Constituent Assistance | \$273,990 \$52,713 \$33,455 | \$273,990 \$52,713 \$33,455 | \$136,995 \$26,357 \$16,728 | \$136,995 \$26,357 \$16,728 |
| ESD Discretionary Program Interim Disability Assist. Program (IDAP) for Food Share | \$63,611 | \$63,611 | \$31,806 | \$31,806 |
| Total Other Eligible Expenditures | \$3,470,988 | \$3,055,785 | \$1,527,893 | \$1,527,893 |

Block A + Block B = Milwaukee's Total CARS Claim

* Items identified are not directly associated with State IM transition. A complete list of items is not achievable without a copy of the State plan for services.

2008 Breakdown of Milwaukee County Community Aids Reporting System (CARS) Claim

| | Expenditures | State IM Base Contract | Remaining Balance | Federal Match to County Tax Levy | County Tax Levy |
|------------------------------|--------------|------------------------|-------------------|----------------------------------|-----------------|
| Total 2008 CARS Claim | \$21,783,851 | \$17,012,884 | \$4,770,967 | \$2,385,484 | \$2,385,484 |

A. Core ESD IM Functions

| | | | | | |
|---|--------------|--------------|-------------|-----------|-----------|
| State Mandated Eligibility Deter. Functions | \$18,447,837 | \$16,590,565 | \$1,857,272 | \$928,636 | \$928,636 |
|---|--------------|--------------|-------------|-----------|-----------|

B. Other Eligible Expenditures for Federal Match as reported on CARS*

| | | | | | |
|--|--------------------|------------------|--------------------|--------------------|--------------------|
| Aging Family Care Eligibility | \$2,478,334 | \$422,319 | \$2,056,015 | \$1,028,008 | \$1,028,008 |
| Depreciation | \$460,482 | | \$460,482 | \$230,241 | \$230,241 |
| IM Eligibility Assistance | | | | | |
| MA Elig. Assistance (Behavioral Health Div.) | \$226,440 | | \$226,440 | \$113,220 | \$113,220 |
| County Board Constituent Assistance | \$62,143 | | \$62,143 | \$31,072 | \$31,072 |
| County Exec Constituent Assistance | \$48,333 | | \$48,333 | \$24,167 | \$24,167 |
| ESD Discretionary Program | | | | | |
| Interim Disability Assist. Program (IDAP) for Food Share | \$60,282 | | \$60,282 | \$30,141 | \$30,141 |
| Total Other Eligible Expenditures | \$3,336,014 | \$422,319 | \$2,913,695 | \$1,456,848 | \$1,456,848 |

Block A + Block B = Milwaukee's Total CARS Claim

*Items identified are not directly associated with State IM transition. A complete list of items is not achievable without a copy of State plan for services.



Plotkin, Adam

From: Kelly.Bablitch@milwcnty.com
Sent: Thursday, April 23, 2009 4:25 PM
Subject: Assembly Bill 194 and Senate Bill 161(Milwaukee County Income Maintenance)
Attachments: Scan of County Board letter opposing AB 194 and SB161.pdf

Members of the Milwaukee County State Legislative Delegation,

Please find attached correspondence from members of the Milwaukee County Board of Supervisors voicing opposition to Assembly Bill 194 and Senate Bill 161.

Your consideration of these concerns is appreciated.

Milwaukee County
Intergovernmental Relations

This message is intended for the sole use of the individual and entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

*write bullets
refuting
arguments*



Milwaukee County

Board of Supervisors

April 23, 2009

Dear Members of the Milwaukee County State Legislative Delegation:

We are writing to oppose legislation (Assembly Bill 194/Senate Bill 161) that would transfer the administration of Income Maintenance (IM) from Milwaukee County to the State. Several provisions in the proposed legislation would adversely affect Milwaukee County and its property taxpayers.

The State assured Milwaukee County that it would not be required to commit additional property tax levy as part of its takeover of IM administration. Instead, AB 194 and SB 161 would require Milwaukee County to expend at least \$3,559,800 for the operation of IM programs, a \$559,800 or 18.7% increase over the amount appropriated in 2009.

Even more onerous is the escalator provision in the legislation that would increase Milwaukee County's property tax contribution by the rate of wages and benefits for County employees in each subsequent year. This requirement would set a bad precedent. The elected Milwaukee County Board of Supervisors and the Milwaukee County Executive are responsible for imposing the property tax. The escalator provision in the State legislation removes direct accountability for how property tax dollars are expended locally. Furthermore, it is unfair that this escalator provision would require Milwaukee County's property tax contribution to grow at a faster pace (5-8%) than the rate allowed under current State-imposed fiscal limits. By requiring a portion of the County tax levy to be set-aside for IM administration, fewer resources would be available for other County functions like parks, mass transit, and public safety.

The 2009-2011 budget also allocates \$14 million for the State takeover of Milwaukee County's IM programs. We believe these resources could be better spent by giving Milwaukee County the tools it needs to improve the program locally. Despite the State's continued underfunding of IM, Milwaukee County has achieved measurable results in recent months. The demonstrated improvements include a steady decrease in wait times for customers to speak with customer service representatives.

The "hybrid model" suggested by this legislation is both unprecedented and problematic for all parties involved. The bill would create two classes of County employees treated differently, resulting in inconsistent collective bargaining agreements for employees formerly in the same bargaining unit, one of which Milwaukee County had no part in negotiating but nonetheless will have to administer.

Moreover, the bill should be amended to reallocate potential liability for claims arising from injuries or other incidents. While State managers are supervising the employees in State buildings, the County has no control over damages arising from County employees carrying out their duties under these conditions.

Finally, the Marcia P. Cogg Center at 1220 W. Vliet Street, which currently houses IM functions, is readily accessible to Milwaukee County residents. The County asks that legislators maintain public accessibility of IM programs as DHS searches for a new site to house these programs.

We ask that you take into consideration the objections and suggestions for amendments raised in this letter. We also request that the State provide the County Board with written transition plans, so adequate preparations can be made.

Sincerely,

Don A. West

Elizabeth M. Capps

Robert Smith

Joseph R. Lee

Joe Murphy

Paul Proderick

Paul M. Casars

Lee Holloway

Ray SR.

Tom M. Clark

Willie Johnson Jr.

By [Signature]

Manna King

Paul G. Boston

[Signature]

John Lige Smith

Edward Brown





Monday, April 27, 2009

To: Members, Wisconsin State Senate
Members, Wisconsin State Assembly

From: Rich Abelson, Executive Director, AFSCME Council 48
Susan McMurray, Government Relations, AFSCME Council 11
John Grabel, Government Relations, AFSCME Council 11

Re: SB 161 and AB 194, relating to Income Maintenance in Milwaukee County

AFSCME Council 48 urges lawmakers to support SB 161/AB 194, which protect the rights of hundreds of county employees who will be affected by the state takeover of the administration of Milwaukee County income maintenance (IM) services.

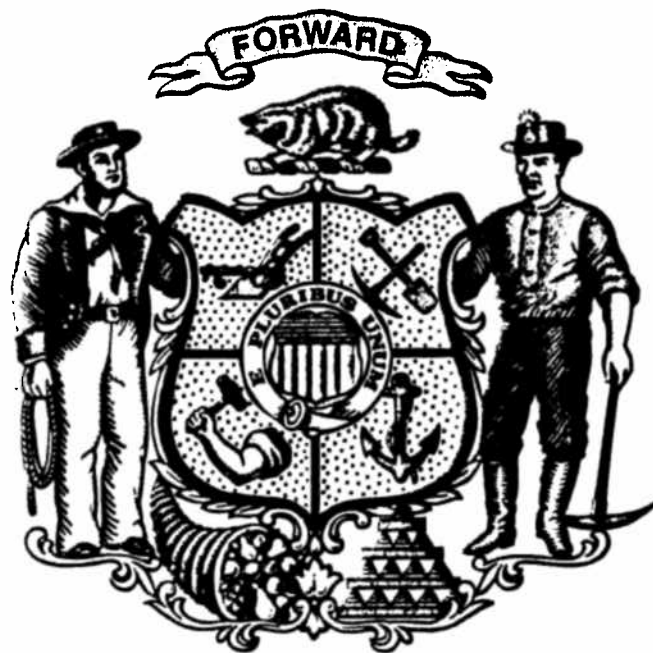
The takeover of the county's IM services is already under way where current authority allows. SB 161/AB 194 codify a hybrid model in which the state will manage IM services with county employees. Failure to take action on this legislation would mean an uncertain future and likely layoff for the county employees.

AFSCME urges lawmakers to keep in mind that this legislation is not about whether or not the state should takeover Milwaukee County IM services; that decision was forced by a pending federal lawsuit. At issue here is the structure of the takeover and the parameters under which IM services may again be returned to the county. AFSCME believes that SB 161/AB 194 accomplish three goals: first, the bills enable the state to meet its obligations under federal law and thus achieve settlement of the pending litigation; second, they protect the rights of county employees who provide IM services; and third, the measures lay the groundwork for the return of IM services to Milwaukee County.

We ask Senators and Assembly Representatives to vote "yes" on SB 161/AB 194.

Rich Abelson and Susan McMurray will be available all day Tuesday to discuss our concerns about the bill with legislators who might have questions about the bills.

Thank you for your consideration.



4/7/2009

MILWAUKEE COUNTY INCOME MAINTENANCE ADMINISTRATION

BACKGROUND:

- Milwaukee County has demonstrated a sustained inability to successfully provide services to its customers. Merely providing more funds and state staff assistance to Milwaukee County has historically not improved services; in fact by many indicators the County's performance has worsened.
- A lawsuit has been filed against the Department that seeks remedy of poor IM services provided in Milwaukee County. Dismissal of the litigation is contingent upon a sustained period of good performance under state management. IM service administration could eventually be resumed by Milwaukee County following a sustained period of good performance under state management.

THE STATE'S PLAN FOR SUCCESS:

- The State is assuming management responsibilities for Milwaukee County IM functions.
 - DHS will assume management for enrollment services functions.
 - DCF will assume management for child-care program-integrity, assistance in locating appropriate child-care, and licensing and certification of child day care providers.
- DHS and DCF are retaining county staff who are currently eligibility, clerical, program-integrity and certification workers to:
 - utilize the experience of county workers performing job duties,
 - retain benefits and eliminate gaps in employment for county workers,
 - decrease further delays in access to benefits for Milwaukee residents, and
 - ease the eventual transition of responsibility back to Milwaukee County.
- State employees will manage county eligibility or clerical workers to ensure DHS is able to provide necessary management and oversight to successfully provide services to persons in Milwaukee.
- Represented county employees will remain part of their collective bargaining agreement (CBA) and state managers will abide by the terms of the CBA and a separate MOU to ensure terms of employment meets needs of our clients.
- By May, 2009 on-line applications will begin being processed by state staff and those cases managed by the state staff. By July 1, 2009 DHS would like to have the call center up and running with state/county employees, and by January 15, 2010 DHS will fully transition the Milwaukee enrollment services functions.

GOVERNOR'S BUDGET AB 75:

- Provides funding for state costs during the CY 2009 transition period while Milwaukee County is still responsible for administering the program. These funds will be used for the new state positions, transitional funding and for infrastructure start-up costs (rent, office equipment, supplies, etc.)

STATUTORY REQUIREMENTS NEEDED:

- To implement this plan in a timeline which would facilitate the implementation of a Call/Change Center by July 1, 2009 and the full transition by Jan. 15, 2010, DHS is seeking the following statutory changes:
 - Allow DHS and DCF state employees to supervise county employees.
 - Allow any county worker who applies and is hired for a state position to retain their county pension and consideration of their years of service for state leave policy.
 - Require Milwaukee County to provide \$3.59 million (plus adjustments commensurate with annual increases to wages and benefits) annually to contribute to the cost of funding IM administration just as other counties throughout the state do.



LEVA - Exec + PH - 4/14/09

SB 11d

Exec

4320

- Russ explains sub based on Karl's memo
- SC points out WI Counties change of support w/ sub
- GG
 - offensive to biz.
 - penalties too high
 - atty fees too high
 - govt shouldn't get exemption (thinks totally off the hook)
 - biz. w/ 16 employees

March

- cost of doing biz.
- don't control atty fees

SC

- don't use China as paragon of virtue
 - 3-2 vote on adoption of amendment
- GG - many claims found to have no probable cause
 - putting full burden on businesses
 - contempt for business
 - haven't seen need for change
 - unfair to biz, will negatively affect employees too

BW - burden is atty fees

- employer can be bad actor
- level playing field for employee
- need to allow for day in court

AL - bill could be tolerable at any other time, but economy right now makes it a bad idea

- one more nail in the coffin for biz
- hold for a year, don't see need

(2)

BW - Tommy Thompson sold the state

- bad mouthing state's prospects + economy
- AL + GG are only pointing out negatives

AL - not bad mouthing econ., unemployment rates

GG - 15% reach probable cause

- frivolous, bitter claims filed
- biz. also penalized by attys fees
- putting WE at disadvantage
- find more claims in MKE Co., GG will go to district
 - wants to visit on a Monday or Friday

BW - no one in audience for victims

- SB 49 - no discussion - 4-1

- SB 67

- SL - sky won't fall w/ bill

- GG - agree, but schools will get worse

- schools are for students, not teachers

→ 3-2 vote

- SB 94

- Russ describes amendment

→ amendment 5-0, bill 4-1

Public Hearing

- SB 161 / AB 194

- Taylor + Grigsby

- both have written testimony

- error rates are national embarrassment

- doing this for the employees

- cooperation w/ county board on some items based on lawsuit

3

- Taylor & Briggsby cost.
 - state has detailed plan
- Ginicki
 - this bill is one small piece of the IM issue
- GB, why bigger problem in MKE Co. than rest of state?
 - taking over first protects workers before lawsuit settled
 - LT - don't want workers to get burned by lack of action by exec - embarrassing to have to ask for this
 - TB - workers have been asking for this
- Toles - workers did notify supervisors of problems
- Honadel - unusual that county taxpayers fund state programs?
 - LT - it was unacceptable that we waited until the lawsuit
- Peggy West
 - has written but doesn't read it
 - not in denial on takeover
 - 1/5/09 - first time county board heard about problems
 - info they have gotten has been candy coated
 - removes county as litigant, replaced by state
 - legislating how much property tax the county will spend
 - includes automatic increases
 - first told this wouldn't cost any more than it already was
 - MKE Co. has great employees, but have had issues - no employee approached her directly
 - a thousand apologies for putting us in this situation
 - want amendment removing \$500k extra
- SC, why \$500k extra?
 - lack of communication
 - part of it could be for increase on other IM programs

(4)

Simicki - no longer opposed?

- opposed in current form?

Simicki - May 1 deadline

- May 1 is not firm deadline

Honadel - 40 new people hired when?

- actually started mid-March

- DHS Secy. Karen Timberlake (Jim Jones, Mark Thomas)

- have 110,000 families in IM

- 40% of all kids in MKE Co. are in Budget Care

- gave 11 mo. notice of takeover

- begin new processing process on May 1

- remove barriers + disincentives for county workers to apply for state supervisory position

- state will honor collective bargaining with AFSCME, have asked for concessions

- active coordination w/ county staff

- shared fiscal responsibilities for IM between feds, state, + each county

- county already got \$3.55m in federal match

- looking for settlement + dismissal of lawsuit

- SC - how about communication w/ board?

- been in communication w/ board, sometimes indirectly through cc's of letters, but also public press attention

- Jorgensen - lots of communication? - yes

- about getting train back on track? - yes

- human services contacted? - yes, large group involved

- meet every Monday to discuss

- 40 employees? - enough?

- no actions to date have achieved resolution

(5)

Timberlake cont. -

~~Timberlake~~

- limited authority from board
- 40 employees too little, too late
- Nass - thought it would be political blame game, but appears to be more deep seated
- when employees transfer back - who pays?
 - will have to figure out fate of state supervisor's org later, but workers will just go back to county
 - will actually be using fewer workers than now - won't have lots of people back to county
- five useless employees?
 - yes, and union agrees
- investigate how as it occurs? - yes
- will there be audit at end?
 - will get us copy of settlement agreement
 - benchmark targets to hit, if not, lawsuit re-opened
 - have performance goals + levels
- physical location has to be bid, but MKE Co. is welcome to bid
- JL - what is breakdown on \$3.55m? - will clarify
- MKE Co. - Steve Krecklow, Fred Baul, John Jorgensen
 - all have written testimony
- Lear Young
 - met w/ Timberlake yesterday
 - haven't seen settlement
 - thinks county can solve it's own problem
 - wants to slow it down

Timberlake

- SC - feeling of poor communication in providing quality services
- Rich Alderson & John Grabel
- have written testimony
- SC - using existing workforce makes them part of solution
- basic work environment exists
- issues w/ work flow have fallen on deaf ears
- Grabel - error rate fell below federal standards
- BMCW in example of shared costs
- Tolls - had concerns last week, have since had meetings



SB 161?

Date?

- pulled today, hearing & exec next Thursday in Assembly labor
- \$14m in budget for CARES + ACCESS
 - two systems can't interface
 - have to physically re-enter from ACCESS to CARES
 - people get notice that they're off CARES
 - state want authorize electronic + telephonic signature
 - employees abusing leave b/c of stress
- state could hire for lower wage, county legacy costs are higher than the state
 - right of first hire rather than hybrid model
- MKE Co. left out of labor side of discussions
 - state doesn't know either
 - going back to caseloads would be bad
 - would result in additional costs
extra \$500k
- \$3.5m in bill is 2x what they've allocated before
 - yearly increases in bill
 - state promised a hold harmless
- tax levy contribution, 5 → 8%/yr. growth built in, liability for county employees (worker's comp) - difference is being physically in county v. state facility, state provides pension payment, unused space will have to be paid for anyway

- AFSCME has not been involved w/ county negotiations, only DHS
 - negotiating new contract
 - don't know how contract will work after takeover
 - don't know answers since they weren't involved
 - unilateral negotiations don't benefit employee
 - county hasn't talked to AFSCME directly

- Tolos saw 18 red flags



LEUA Exec - 4/22/09

From SB 161 folder.

- SC - concerns expressed by county
 - location in Coggs Ctr., + utilization
 - in talks w/ dept. on location/s
- GG - MKE Cty. contacting author (Taylor)
 - Taylor has said amendments are coming
 - should do amendments here
 - (SC) - no, Taylor asked
 - problems w/ abuse and other issues
 - moving too fast
 - more flexibility
 - political, not policy
 - seems partisan against Walker
 - insult to MKE Cty.
- SC - agree in concept on whole county not liking
 - lawsuit driven, not partisan
 - train on legislation is gone, need to protect workers
 - concerned about Coggs Ctr., primary concern of Leor too
 - take stake award about having to bid
 - not related directly to takeover
- JL
 - talked to Timberlake today
 - other issues can come up later, other issues not central
 - not sure fiscal is resolved
 - clearing path for workers to be respected

- GG - reads analysis on MOU, employees are not doing a good job
 - why can't we dial up work ethic on current employees?
- SC - workers aren't the problem
 - GG's opinion not supported by facts





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Supervisors decry cost of county programs takeover

State will run public aid efforts, but county taxpayers pay rising tab

By [Steve Schultze](#) of the Journal Sentinel

Posted: Apr. 15, 2009

Irate Milwaukee County supervisors Wednesday objected to state legislation they said would require the county to spend more on public assistance programs that the state is taking over.

The state announced the takeover of county food, child care and medical aid programs in February, saying the county's mistakes had unfairly deprived poor families of benefits they deserved.

Legislation outlining the state move seeks to charge the county \$3.5 million a year for the state handling the work it says the county messed up. The measure also calls for automatic annual increases based on wage and benefit increases given to county workers.

Supervisors said that figure is at least \$500,000 too high and runs counter to promises that the state would not require the county to pay additional costs for running the programs.

"I'm really disappointed in the takeover and really disappointed our taxpayers are going to take the brunt," said Supervisor Toni Clark. "We are the ones who are going to get all of the complaints" if recipients continue to have problems, she said.

The hybrid deal in which the state assigns its own managers but requires the county to continue paying for case managers and other public assistance workers is a bad deal for county taxpayers, supervisors said.

Supervisor Lynne De Bruin said promises she and other supervisors received personally from state Health Secretary Karen Timberlake and state Administration Secretary Michael Morgan were broken by the terms of the legislation.

"They were emphatic that this takeover would not result in increased (county) expenditures," De Bruin said during a meeting of the County Board's Health and Human Needs Committee.

By including an automatic increase for wage and benefits, the state is improperly butting into county labor negotiations, De Bruin said.

Their remarks came as the legislation was up for consideration this week at the Capitol. County officials said they hoped to persuade lawmakers to give some relief on the costs to the county. The Assembly Labor Committee was expected to take action on the measure Thursday.

Seth Boffeli, a spokesman for Timberlake, said the \$3.5 million figure was based on the county's own cost figures listed in a 2007 report. But that number included some costs that aren't part of the state takeover, said county budget director Steve Kreklow.

Boffeli said state officials had reviewed county submissions and saw no justification for changing the figure.

The county's poor performance in fielding calls to its public assistance call center was one of the key reasons given for the state takeover. For example, fewer than 10% of the calls to the center were answered during 2008 - a problem officials blamed on too few staff.

The center now responds to 60% of calls, and the wait time for a call to be answered has dropped from more than 90 minutes to 36 minutes, a county report said.

That underscores the county's ability to fix the programs on its own, said Supervisor Peggy West, chairwoman of the county health panel.

She said the state has withheld approval of some modernization initiatives that would have helped the county resolve problems that have delayed benefits to poor families. For example, the county has sought approval to use telephone voice recordings for aid applicants. Without that, applicants must send printed forms with their signatures, which has been blamed for backlogs.

State officials say that change might be helpful but won't be a cure-all.

The state is slated to begin its takeover of the county programs May 1 and complete the transition by January.

Milwaukee Democrats Sen. Lena Taylor and Rep. Tamara Grigsby said the legislation was necessary to protect county workers in the takeover process.

"The state has done the responsible thing and stepped in, and we need to be responsible to make sure that the transition is smooth and people maintain their jobs and their benefits," Grigsby said.

Many county employees had long been raising alarms about how the services were being administered and asking for changes, and shouldn't be faulted for the county's shortcomings, Grigsby and Taylor told fellow lawmakers Tuesday.

Stacy Forster of the Journal Sentinel staff, reporting in Madison, contributed to this report.

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Milwaukee County

Layoffs, service cuts expected in county

Walker's directive: Trim 3% across the board

By [Steve Schultze](#) of the Journal Sentinel

Posted: Apr. 20, 2009

Cuts needed to prevent the Milwaukee County budget from slipping into the red this year will likely mean layoffs and service reductions, supervisors were told Monday.

County Executive Scott Walker's directive that all county departments submit recommendations to cut their 2009 budgets by 3% can't be accomplished without some pain, county budget director Steve Kreklow said.

Because only half the year will be left by the time the cuts can be implemented, a 3% cut for 2009 actually would mean cutting about 6% from county spending for the last six months of the year, he said. The cuts will be figured based on each department's portion of the \$250 million county property tax levy.

Walker will forward budget-cutting proposals to the County Board next month.

Supervisors on the County Board's finance committee bristled at Walker's order and questioned whether it was necessary.

"Don't keep giving us this tunnel vision of gloom and doom," said Supervisor Elizabeth M. Coggs. She said Walker also should encourage departments to come up with revenue-raising proposals and criticized Walker for not marketing excess county land for sale more aggressively.

"It's always, 'cut, cut, cut,'" said Coggs, chairwoman of the finance committee.

The county budget has run into trouble several years running because of Walker's overly optimistic figures for land sales, said Supervisor Jim "Luigi" Schmitt. This year's budget, for example, listed \$6 million in revenue expected for land sales, primarily from parcels downtown in the Park East Freeway corridor.

No sales of Park East land are now considered likely for 2009, according to a report by Kreklow. Also, revenue from the expected sale of County Grounds property to the University of Wisconsin-Milwaukee for a new engineering campus isn't expected until next year, the report says.

Walker announced Monday that the 2008 budget would likely finish in the black. Earlier projections of an '08 deficit were partly offset by a \$1.25 million donation, a lawsuit arbitration award to the county of \$628,000, and \$1 million from an earlier sale of a Park East parcel.

The 2009 budget is forecast to wind up some \$14 million in the hole unless adjustments are made, Kreklow said. That might understate the problem because it doesn't take into account the full impact of expected state budget cuts or any financial hits related to the state's takeover of county public assistance programs.

Kreklow told the panel that the state takeover would cost the county up to \$6 million in 2010, including loss of money the county gets for computer services linked to the assistance programs. The county also will lose about \$1 million by vacating about two-thirds of the office space in the Marcia P. Coggs Human Services Center at 1242 W. Vliet St., where many of the assistance programs are now housed, Kreklow's report says. The county gets partly reimbursed for the space by the federal government.

A portion of a second county building housing public assistance offices also is expected to be vacated.

The county also will have a small loss of revenue this year linked to the state takeover of public assistance programs, Kreklow said. The state announced the takeover in February, saying chronic mistakes by the county had caused many poor families to be unfairly denied or delayed food, medical and child care benefits.

Walker also has hinted that employee pay concessions might be under consideration to balance this year's budget. He wasn't available for comment Monday.

Supervisor Coggs, the daughter of the woman for whom the Coggs building was named, said the state plan to shift programs from that site was disrespectful. The late Marcia Coggs was the first female African-American state lawmaker.

"When you think of human services in Milwaukee County, you think of Vliet St. and the name Coggs and the Coggs family," she said. State officials have said the county could bid on keeping the programs at the Coggs Center, but supervisors said they doubted such an effort would succeed.

The state begins its takeover of the aid programs next month and will fully operate them by Jan. 1.



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Walker threatens to sue the state

Payments for public assistance in dispute

By Steve Schultze of the Journal Sentinel

Posted: Apr. 22, 2009

Milwaukee County Executive Scott Walker on Wednesday threatened to sue the state over its demand for several million dollars from the county to support public assistance programs.

Walker's move comes as state and county officials continue to haggle over just how much the county spent last year on administering food, health care and child care aid programs. The state is taking over the programs later this year, saying deserving families have been denied benefits under the county's watch.

As part of that transition, the state has called on the county to pay \$3.55 million next year to help cover costs of running the programs. The payment is intended to reflect the same amount the county is now spending on administering them. County officials say the figure should be \$2.4 million.

The two sides appeared no closer to a resolution, as Walker said the county should pay nothing.

"If the state is going to take it over, they should take it all over," Walker said.

If the state persists, he may sue, the county executive said. He said the state's legal authority to demand a payment from the county for the programs was questionable.

County Corporation Counsel William Domina said Walker had asked him to research what legal remedy the county may have. Domina said he also was reviewing additional issues related to the state takeover.

Walker and county supervisors have also objected to the state move on the ground that it interfered with the county's collective bargaining agreement with employees. The hybrid system the state is imposing will have state managers overseeing the local programs carried out by county employees.

By allowing most aid workers to remain county employees, they would have superior pension benefits than they would have as state workers.

"The clear reality is (state officials) made a deal with the union so that the union employees could stay eligible for the (county) pension system," Walker said.

County officials say the state unilaterally struck a deal with District Council 48 of the American Federation of State, County and Municipal Employees on how the takeover would work.

Finds letter insulting

Walker also complained about a letter from state Health Services Secretary Karen Timberlake announcing the takeover, saying he found it insulting. He objected to Timberlake's remark that the county's subpar performance in the program hurt the poor.

A spokesman for Timberlake said the aid program costs have long been shared by the state, county and federal government. Milwaukee County's contributions to the programs have lagged behind other large counties, measured as a percentage of overall costs, said Timberlake spokesman Seth Boffeli.

State figures for 2007 show that the \$3.55 million Milwaukee County paid toward the programs came to 15% of the overall cost. Kenosha, Racine, Dane and Brown counties contributed a larger percentage of the aid program costs that year, according to the state figures. Milwaukee County's contributions for the four preceding years ranged from 7.3% to 11.6%.

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