



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 15
[2009 Senate Bill 161]

**Public Assistance Programs in
Milwaukee County**

Under prior law, income maintenance and state supplemental payment programs are administered by the counties through contracts with the Department of Health Services (DHS). The income maintenance programs are the Medical Assistance program, including BadgerCare Plus; the food stamp program; and the funeral, burial, and cemetery expenses program.

2009 Wisconsin Act 15 requires that DHS establish a Milwaukee County enrollment services unit (unit) to determine eligibility under and administer, in Milwaukee County, income maintenance programs; state supplemental payment programs; and, if the Department of Children and Families enters into a contract with DHS, the child care subsidy program. The Act contains provisions regarding the transition of the program administration from Milwaukee County to DHS.

The Act requires that Milwaukee County expend at least \$2,700,000 annually, as increased by the percentage increase in annual wage and benefit costs of county employees in the unit, for the operation of income maintenance programs in the county. The Act also requires that DHS reimburse the county for all approved, allowable costs that exceed that amount for the operation of the programs in the county.

Further, the Act provides that supervisory personnel in the unit must be state employees, and nonsupervisory staff performing services for the unit may be a combination of state employees and Milwaukee County employees. For the performance of services for the unit, Milwaukee County is required to maintain no fewer represented authorized full-time employee positions than the number of represented full-time employee positions that were authorized on February 1, 2009, for performance of the same types of services. The Act contains provisions regarding Milwaukee County employees who continue as county employees performing services for the unit and county employees who are appointed as state employees in the unit.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act provides DHS with certain authority over county employees performing services for the unit. DHS may enter into a memorandum of understanding (MOU) with the certified representative of the county employees. A collective bargaining agreement that covers county employees performing services for the unit must contain a provision that permits the terms of the agreement to be modified with respect to hours and conditions of employment by a MOU. The Act provides that county employees performing services for the unit are in the unclassified service for purposes of the Milwaukee County civil service system and are subject to the residency requirements that apply to other county employees under the county civil service system.

The Act provides additional benefits to a county employee who is appointed to a state employee position in the unit with regard to seniority, annual leave, and sick leave. The employee has the option to continue participation in the Milwaukee County Employees' Retirement System (MCERS) or to join the Wisconsin Retirement System. If the employee continues in the MCERS, the DHS Secretary must pay all required employer contributions under the MCERS on behalf of the employee. In addition, the employee is covered for employer contributions toward his or her health insurance premium upon becoming insured and, unlike most other state employees, does not have to wait until the first day of the third month beginning after the date of employment to be covered for employer contributions toward the premium.

Lastly, the Act provides that within six months after the dismissal of the litigation pending against the county and DHS officials, DHS and Milwaukee County must identify the standards required for county operation of the income maintenance programs and initiate discussions regarding who will operate the income maintenance programs in the county in the future and how the programs will be operated.

Effective Date: The Act generally took effect on May 29, 2009.

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