

# MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE

August 4<sup>th</sup>, 2021

## KCAB 2<sup>ND</sup> FLOOR COUNTY BOARD COMMITTEE ROOM

**Members Present:** Boyd Frederick, Sharon Pomaville, Jeff Wamboldt, Mark Nordigian, Terry Rose, Jerry Gulley

**Others Present:** Chief Deputy Marc Levin, Cpt. Tony Gonzalez, Cpt. Dan Ruth, Sgt. Chase Forster, Sgt. Mike Pittsley, Sgt. Alex Sanchez, Sgt. Keith Fonk, Sgt. James Campbell, Sgt. Kent Waldow, Sgt. David Zoerner, Jordan Shulski, Jeremy Preischel, M. Rairie, K. Preston, Ashley Lutterman, Clara Tappa, Patricia Merrill, Amy Z.

**Meeting Called to Order:** 6:30 p.m. by Chairman Boyd Frederick

**Citizen Comments:** 6:31: None

**Supervisor Comments:** 6:31: None

### **Chairman Comments:**

6:31: Chairman Frederick commented he visited Country Thunder with Supervisor Pomaville. They witness what management does and was very impressed by what he saw.

### **Approval of the Minutes from June 2<sup>nd</sup>, 2021:**

**Motion by:** Nordigian

**Seconded by:** Gulley

**Approved:** unanimously

### **Resolution from Corporation Council:**

Approval for Payment to Supervisory Staff at the Kenosha County Sheriff's Department

**Motion to move to next meeting by:** Rose **Seconded by:** Nordigian **Approved:** Unanimously

6:31: Clara Tappa, Director of Kenosha County Human Resources, along with Patricia Merrill, Finance Director of Kenosha County Finance Department, answered questions from the committee. Supervisor Rose started by commenting that the resolution was long overdue and had been discussed over the years with several contacts, but the issue of payment of overtime for supervisory staff was never really addressed. There are many deputies who do not want to apply for supervisor positions such as Sergeant, Lieutenant, Captain, or Chief Deputy. Supervisor Rose commented that this was due to a lack of overtime pay and their salaries are suddenly submerged by Deputies who do receive overtime pay. Previously, this has been addressed by changing the salary of various supervisors, but next time around it turns out the same way. This issue was brought to attention due to the riots in August of 2020. Supervisor Rose noted that the issue should have been addressed more appropriately in September of 2020 when it became clear to the general public, and the committee Supervisors, that there were Sheriff Supervisors who were working long hours due to COVID and the riots, where they stood guard and protected and maintained the government buildings in Kenosha. Supervisor Rose thought today was appropriate, despite it being a year later, to address an issue that became paramount and clear last summer. After the American Rescue Plan Act (ARPA) came to the attention of the committee Supervisors, that the money may be able to use for overtime pay, or to go to the General Fund. Supervisor Rose mentioned that over the years he has been on the board, rarely had the board gone in the General Fund. The General Fund is collected from bond agencies via the Finance Department. The General Fund has always been a "rainy-day fund", has been called the assets of the county, and is used to promote the county. Supervisor Rose thinks it is an asset to be used appropriately as a sense of the county board and the community. The Resolution does not address if it should come out of ARPA, the General Fund, how payroll or human resources will do

this, or how the hours will be calculated. Supervisor Rose emphasized that the staff and administration will need to find the solutions and the discussion should not get hung up on how it will be put together. If the Resolution is passed by the J.F.C. Committee and the County Board it will be a directive to the staff “you accomplished this”, and it can be done. Supervisor Rose commented that he had seen issues come before the County Board, when there is opposition and ask how the board will put the pieces together. Supervisor Rose reiterated that it was why professional staff are hired, for the administration to put together. If they felt it was a good idea, they should speak up and not hide behind reasons why it cannot be accomplished. Retroactive pay is calculated for government or in the private sector and looked back upon to figure it out the solution. Supervisor asked not to get hung up on those details, but to look at the public policy and decide if this is a good idea and the time to do it. Supervisor Rose commented that he felt it is the time to do it, to award people who are accomplished, and to encourage younger deputies to aspire to higher positions of supervision in the Sheriff’s Department. Supervisor Rose asked the committee to pass the resolution as public policy and pass it to the board. This was the time considering the fact we had lived through an extraordinary era of riots in the community endangering the heart of government, private businesses and people. Supervisor Rose asked the committee once more to vote for the resolution, not send it back for further study and move forward.

Clara Tappa introduced herself and spoke to a couple points in the resolution. The calculation of overtime going back to 2020, these are staff members who are treated exempt and do not clock in and out. The calculation of overtime would be difficult as there is no record of official hours worked during that period. In consultation with the Sheriff’s Department, the Finance Director, and Clara Tappa, the County Executive did exercise authority to approve retention bonuses for those exempt staff members who put in extraordinary hours. There are currently 27 supervisors holding the rank of Sargent, Lieutenant, and Captain who received between \$1k and \$2k bonuses, that were paid out, totaling \$41k. Some additional moves were made, the Sheriff did authorize a day to decompress in the weeks following. The County Board made a policy change, effective December 1<sup>st</sup>, 2020, allowing pay out for additional carryover of PTO that could not be used during Civil Unrest due to operational demands.

Supervisor Gulley asked how the hours would be calculated for compensation. Clara Tappa responded that there is no official record to calculate the hours worked outside a normal schedule. Supervisor Wamboldt asked if the Sheriff’s Department could do it, if Human Resources could not. Clara responded reiterated that the supervisors do not clock in and out like hourly staff members would. Exempt staff members have a regular schedule and any PTO, vacation, or A&S days are accounted for in the Human Resources system, but the regular hours are not added in. Supervisor Wamboldt understood but asked specifically about the riots and if there was a record kept during that specific time. Clara responded by asking if he meant for every individual each day. Supervisor Wamboldt asked if there would be some knowledge of that through the Sheriff’s Department. Clara responded that it was her understanding that there is no record. Chief Deputy Levin responded that there is not one that is specific but a general one, there were some that worked more and some that worked less.

Supervisor Rose commented about wage-loss and that it happens all the time, when a person comes into a lawyer’s office and says, “I have been out of a job, injured, etc...”, and that this is the same issue. The ability to get every moment like a time clock, perhaps wouldn’t happen. However, working with Supervision, the Chief Deputy, and the Sheriff, come to an agreement as to what the figure might be. An assumption should be made that to some degree people will be honest, and if that is assumed this resolution can be accomplished. Supervisor Rose agreed that it will be difficult but reiterated that is what the staff and administration are paid to do. The resolution was appropriate and asked the staff if they wanted to accomplish it, because if not, there could be talk about all the difficulties. Supervisor Rose commented that if the staff and administration wanted to accomplish

this, then come to the board with a plan on how it's going to be done versus not done. This is what Supervisor Rose is hearing from the attitude of Human Resources and Administration.

Supervisor Pomaville asked if the ARPA funds may or may not pay for it and was concerned moving forward where the funding comes from, as year-to-year it is unknown what the needs or expenses might be. Supervisor Pomaville also asked about the other salaried county employees who put in 50-80 hours per week due to the pandemic last year and if there was anything equitable. Clara responded that in 2020 there were two significant things including the pandemic the response to that, and into 2021 with the vaccination clinics, where many exempt employees put in many hours. The second, was the civil unrest. Clara commented that they wanted to make sure to recognize extraordinary work that was done over that period, and the jobs that the men and women put in were nothing short of phenomenal, with great appreciation and respect for what they did. They had no policy or budget provision beyond the retention bonuses, which is what was sought to recognize the extra hours. Exempt employees throughout the county, either through the county or other organizations, often put in extra hours of work inherent to getting the job done, to get paid a salary. Clara agreed that they could go back to recreate and identify hours, to do some sort of calculation. However, there is no official record of the actual extra hours worked during that period. The department recognized was happening and the Sheriff made a request to consider something and approach the budget process, get something through policy in case we want to do something different in the future.

Patty Merrill introduced herself and she talked about funding. Patty commented that after the resolution came out, they began to investigate if there is a chance to determine what the cost was, which fell to Clara and the Sheriff's Department. Patty referred to the resolution where it specifically says paying time and half for every hour worked, she generalized there was a risk of under or overpaying someone making it unequitable and unfair. Patty moved on to the purpose of her conversation which was ARPA funding and the General Fund Reserves, going back to August of 2020. Patty then referred to the attachment of the resolution, the Frequently Asked Questions for ARPA, identifying four broad categories. The two categories that could potentially fund wages in the four broad categories are the first two.

The first category is responding to the public health emergency. In this definition the cover of payroll expenses under ARPA includes public safety, to the extent that employee's time is dedicated to the COVID-19 public health emergency. Patty expressed her concern on the timing and discussion regarding the purpose of paying out, as it does not relate to the COVID-19 emergency, but for civil unrest. Patty referred to section 1 in the Coronavirus State and Local Fiscal Recovery Funds Compliance and Reporting Guide which states "...costs your organization incurred during the period of March 3<sup>rd</sup>, 2021 and ends December 31, 2024." The resolution goes back to 2020 and the ARPA does not cover this. Patty referenced the Wisconsin Counties Association Local Fiscal Recovery Fund, dated June 15<sup>th</sup>, 2021, which states "...public safety to the extent that their services are devoted to mitigating COVID 19 Public Health Emergency are covered."

Patty then moved on to the second provision, premium pay, which is treated differently. Patty quoted the guidance which stated "...funds can be used to provide premium pay up to \$13 an hour per worker in addition to a worker's usual wage or remuneration." It also stated that essential workers may receive retrospectively premium pay to the beginning of the emergency. Patty expressed her reservations about using ARPA funds or what the underlying intent of the resolution was, but the premium pay provision allowed going back to last year.

Patty then discussed that it says a premium of \$13 an hour. The lowest paid Sargent at the Sheriff's Department, with their salary broken down hourly, makes \$39.59 an hour with the half time calculation being \$17.80. The resolution call for time and a half which is \$59.39, which violates the parameters of the premium pay. Administration is investigating ways to use the ARPA funds. The interim final rule has just come out, but not the final rule. There are general guidelines and getting a

better understanding, doing calculations, listening and reading everything, but there is not a full comprehensive view.

Patty then addressed Practical Considerations for premium pay in the WCA Guidance stating "...premium pay funding will end December 31, 2024. Counties are advised to avoid open ended raises without termination dates to avoid incurring obligations that will not be subject to ARPA funding. To avoid unfunded mandates and entitlement premium pay counties are advised that an end date for any raise or premium pay should be earmarked in the policy." Patty expressed her concern that by starting funding with ARPA, which will eventually end, it will have to be funded other ways after that. Patty referred to Clara's comments on the paid retention bonuses for Command Staff. ARPA funds were not used for this purpose as it did not exist at the time but was the authority of the County Executive and the General Budget perimeters.

Patty then discussed using the General Fund to pay out, according to the resolution. The resolution is going back to 2020, which would be Fund Reserves not the active budget. Patty spoke of the Fund Reserve policy which identifies that "...reserves in excess of 17% minimum can be used. Annually reoccurring costs provided that the aggregate total of such costs used to balance an annual budget does not exceed \$300k." Patty commented that in the 2021 budget there is \$290k reserve funds used, leaving \$10k available for the purpose of the resolution. Patty stated the policy "...expenditures that will not reoccur annually", and the resolution would be reoccurring. Another provision that would not work, according to the policy is "Temporary increases in personnel expenditures incurred for the purpose of succession planning". There is a provision for extenuating circumstances "in the event of extenuating circumstances the reserve may be used to balance a budget. Extenuating circumstances are defined as an unplanned event that requires significantly higher amount of tax levy than what was known during the budget developmental, or at the time the county board was considering the budget." Patty reiterated that they are looking at an incident that happened almost a year ago and is unsure if it falls under the extenuating circumstances, which were in 2020. An example given in the policy was the health insurance budget issues from 2001, where funds were needed from the General Fund to balance deficits and health insurance. This was due to major reductions in State-aid that directly off-set levy, such as shared revenue. If the budget that something the state level significantly cut our shared revenue funding, their budget goes into effect July 1<sup>st</sup>. If we were not able to absorb that, we were counting on that revenue in 2021 and we didn't have any other offsets we would have the ability to come to the board and say we need to use general fund reserves. Patty then quoted from the policy "Significant reduction in federal inmates by the federal government", which did happen in 2020 but the Sheriff's Department were able to contain their costs. This was in addition to funding through CARES, which helped with other expenses in the county, so it was not necessary to draw from the General Fund Reserves. Patty stated that the resolution does not warrant extenuating circumstances, so in her opinion, it is not possible to pull from the General Fund either.

Supervisor Rose responded that the items listed by Patty were rules, in which he was familiar with as the County Board had adopted and revised them but believed there were clauses within the rules that could allow for the resolution. Supervisor Rose stated that what occurred in 2020 was not just extraordinary but also unprecedented and has left a stain on the community which will be long remembered. Supervisor Rose reiterated that if we want to accomplish this, it can be done. It doesn't necessarily have to be done with ARPA, but it can be done by a one-time payment from the General Fund prospectively, which would come from the budget year-to-year. Supervisor Rose observed and commented that there is a large group of Deputy Sheriff's at the meeting and here to listen and support the resolution. Supervisor Rose commented that there are arguments that can be made against it, but one that can be made in favor, is that it is long overdue. The resolution is not an original idea and the time has come. Supervisor Rose commented on the substantial increasing salaries of the correctional guards in Racine, higher than what Kenosha County staff are being paid, and what will be done about that in the future, where are those kind of funds, and there will be

difficulty recruiting people who want to go to Racine. Chairman Frederick responded that this was the next topic on the agenda.

Supervisor Rose commented that Racine is paying out of ARPA and asked how they were doing that. That while the resolution can be voted down and put off to another day, there is currently trouble recruiting deputies and correctional guards. The resolution is an incentive to recruit, accomplish, and promote. Supervisor Rose commented that it can be ignored or dealt with and he said to deal with it by voting for it.

Supervisor Wamboldt commented that he agreed with the concept of the resolution, but he is going to err on the side of safety. While there are issues with recruitment there is a safety issue in and of itself. Supervisor Wamboldt then asked Patty directly if she could recall what the cost was to restore the ceiling in the ceremonial courtroom. Specifically, what will the county's share be based upon current projections, not including grants or anything like that. Patty responded that the total cost was going to be \$1.7 million, and the county would borrow half of it. Supervisor Wamboldt asked if that was \$900k to restore a ceiling which would be to the taxpayers of the county. Patty responded that it was \$850k.

Supervisor Wamboldt asked the room if anyone was able to say, roughly, how many hours were worked during the riots, back to August 1<sup>st</sup>, 2020. If someone had attempted to come up with hours or cost in overtime. Chief Deputy Levin commented there might be a rough approximation. Supervisor Wamboldt said that was what he was looking for and asked if it comes of the General Fund. There was no follow up answer from the room.

Supervisor Gulley referenced the 27 supervisors that received bonuses, but when he looked at the organization chart, he counted 31 and was looking for clarification. Clara responded that 27 individuals received \$1k or \$2k bonuses, which included the ranks of Sargent, Lieutenant, and Captain. Supervisor Gulley clarified that with the addition of Chief Deputy that it matched what was in the resolution. Clara agreed that it did. Supervisor Gulley asked about the \$39-\$40 an hour rate. Clara and Patty reiterated it was based on the lowest entry level Sargent. They were trying to determine if any overtime would qualify under premium pay, so they started with the lowest salary. Supervisor Gulley commented that the most important thing to do was to empower the department to recruit, hire, and retain the best people, and not by saying "we value you in overtime." Supervisor Gulley would rather discuss righting salaries to make sure the right people are being recruited, and not by having to work 65-hour weeks to make it in overtime. Supervisor Gulley felt that salaries are the right way to communicate that they are valued. By looking at those numbers, a 15% increase per person would be right and would still come in less then the proposed resolution, plus an investment in the people who work in the department. Supervisor Gulley commented that he did not like it being presented by Supervisor Rose as "if we don't do this, we don't care about wanting to solve this", because he did want to solve it and make sure the message is "we are investing in you long term". Chairman Frederick commented there is an upcoming budget to be presented by the County Executive in the next few days. That this is being investigated as well, not just in the short term but going forward.

Supervisor Gulley asked Supervisor Rose, knowing the budget is upcoming, to consider an interim earnest money approach to issue a spot bonus to employees. This would address the resolution in the interim and allow for salaries to be right sided. Supervisor Rose responded that he was aware of the upcoming budget, but thinks the resolution is a directive to the County Executive to include this now. If it is in the budget that will be presented in 60 days, that was fine, but should be stated clear that it is retroactive to August 2020 and moving forward. That this is earnest money, that it is a directive, and if it is not done what will come forward is something quite different than the resolution.

Supervisor Wamboldt clarified with Supervisor Gulley if he was for time and a half for supervisors going forward. Supervisor Gulley responded he was not, as he believed it was not right to ask employees to work 65-hour weeks to make salary. When talking about health, you don't want

employees working that way, to think in order to achieve the benchmark salary they need to spend an extra 25 hours a week away from family. As an outer layer yes, but it should not be the carrier. Supervisor Wamboldt asked if for retention there needs to be an increase in salaries and all that too. Supervisor Gulley responded that “this is a Franken-resolution”. It has the long-term needs and recognizing what happened last year, which Supervisor Gulley agrees with, but there is a lot being put into one resolution and he is not sure anything is being solved. Supervisor Gulley expressed concern that he was not comfortable saying ‘yes’ to paying for the resolution, without knowing how much the county was being burdened with. It can be figured out but there is not currently a number. Supervisor Gulley commented that he could not recall another financial decision that’s been made where the purpose was to vote on figuring it out. Supervisor Wamboldt agreed that he also would like the numbers, even just a ballpark figure, to see two different entities do it and how close to each other it is in overtime hours. Supervisor Wamboldt agreed that he did not want to go in totally blind without knowing more of the numbers and the cost to take out of the General Fund. Supervisor Rose suggested that they move the resolution that they authorize and direct the administration to bring back the numbers at a designated meeting date.

Supervisor Nordigian commented that he read the resolution in perpetuity, that all those in salaried positions will get time and a half after 40-hours worked. Supervisor Nordigian referred to the resolution that stated if it is paid out of ARPA, it doesn’t affect if that can be done directly. Supervisor Nordigian then agreed with Supervisor Gulley’s point. Supervisor Nordigian then asked with correction officers being paid more in Racine, what are surrounding communities doing. How many officers or salaried versus non-salary employees and what are their pay scales. Supervisor Nordigian expressed concern that we would go to time and a half, lift these wages, and have no control of what we are trying to get a hold of. If there are 100 or 500 hours of overtime for 2020, it is unknown because it would have to be the last 12 months and trying to figure out how much overtime salary employees or officers put in, when there is no record. It is a daunting task, but the regular pay scale needs to be up to standards to attract, have the right benefits, and not burn out correction or salaried officers. Supervisor Nordigian felt the county was in a better position for attracting employees, but he did not want to see time and a half. Supervisor Nordigian would rather see the wage increase a significant amount so it can be accounted for in the budget. Supervisor Nordigian did not have an issue with what Supervisor Rose was talking about but can see it constantly going out and unable to get their arms around it.

Supervisor Pomaville asked about going retro-active and how many hours that would be, what the dollar value would be, and what about other county salaried employees who for the last year during the pandemic put in for 60 to 80-hour weeks. Supervisor Pomaville wants to ensure we are treating staff equitably who are doing similar jobs. Supervisor Pomaville asked if there was anything with the Sheriff’s Department contractually, as she was unsure how all of it work, including pay raises or time and half. If a resolution were enacted like this one, what counts as time and a half, pandemic, or civil unrest. Supervisor Pomaville felt that there were pieces missing and would like to have a deeper conversation but agrees on the retention and wages. Supervisor Gulley asked for clarification like when there is hazard pay, overtime pay, etc. Supervisor Pomaville said yes, when does it kick in and what counts. Those are the important thing to know and there’s a lot that needs to be defined. That if this is going to be done, to do it well and fair, and know what the county is getting into financially.

Joe Cardamone spoke about his concerns about the Federal Fair Labor Standards Act, in the sense that an employee is either exempt or non-exempt. Exempt employees are salaried who do not get overtime, non-exempt employees do receive overtime. There are specific criteria looked at when making these classifications in determining if an employee is exempt or non-exempt. Joe commented that while it is not his job, he believes the county tries to ensure that they are locating salaried points for employees at a place where it makes sense to compensate them in a way that does not involve getting overtime. There could be potential trouble in treating one employee as both exempt and non-

exempt, but exceptions can be made and explored for certain things. Joe gave an example if an exempt salaried supervisor worked 4 hours overtime working patrol, there may be an argument that this is outside of their normal job duties. An argument could be made under certain circumstances and with clearly understood policies and criteria, it could be appropriate. Joe suggested as an option to make all salaried supervisors hourly. Then there is no question that they would earn the overtime, which is an option to be explored. Joe expressed concern over starting without very clear laid out guidelines and thought processes, to provide salaried employees overtime, that there is potential for a federal audit down line. Supervisor Wamboldt asked for clarification, that it is illegal to do that but still able to give bonuses like before. Joe responded yes, by special assignment pay. Supervisor Wamboldt asked that there is a way. Joe agreed that there are options, but overtime for salaried employees makes him nervous without significant direction.

Supervisor Wamboldt asked about the Sheriff Department's contracts and if it talks about exempt employees. Clara responded that there is a bargaining agreement with the Deputy Sheriff's Association that covers the deputies and detectives, but not the command staff. The deputy and detective's raises are set by contract which expires at the end of next year. The administration is looking at the command staff's pay and rates to help offset situations when deputies and detectives are working a lot of overtime. There is overtime worked by deputy and detectives, some working more than others, because that's what they want to do if it is available. The command staff rates are set so they can attempt to avoid compression with the deputy's and detective's overtime. The administration did attempt to increase the command staff pay, which increases each year just like the contract rate. Supervisor Wamboldt asked if it is written that command staff are 'exempt', and if that word comes up about them getting time and half. Clara said they are classified as exempt employees, which can be found in the employee handbook. Supervisor Wamboldt then agreed with Joe's earlier point that if it is on paper then they must be careful. Changes can be made to change that rule, but there is a workaround maybe necessary if the goals tried to be accomplished.

Supervisor Rose moved to authorize and direct the administration to bring back to a special meeting, designated in the most, the cost for retroactive payment to August 1, 2020, as the resolution states, and going forward. Supervisor Rose asked Joe if he had an hourly figure for supervisors. Patty said they would if they took their salaries and divided it into hourly pay. Supervisor Rose said that this is not difficult to handle. The retroactive part is more difficult because it is an estimate and not an exact number. Supervisor Rose then called to have the figures brought to the table, unhidden. Supervisor Rose again moved to have the committee authorize and direct cost of the retroactive pay and then going forward for this year's coming budget, to put it on the table, tweaking the language in the resolution to make it appropriate and then moving forward with the concept. Supervisor Rose clarified the motion was to authorize and direct staff to bring back to a special meeting the cost of retroactive pay, and going forward, and then discuss the other issues connected therewith. Supervisor Gulley asked for clarification that the direction was for the staff to the dollar amount to match the intent of the resolution as it is written, and still working on the time and a half. Supervisor Rose agreed. Supervisor Nordigian asked if that was an issue with the exempt. Supervisor Wamboldt responded the issue can be worked around with bonuses, etc.

Supervisor Pomaville asked to clarify what Chief Deputy said about records of estimates of what was worked during Civil Unrest, but no record of time worked during the rest of the resolution. If someone stayed at their desk and worked extra hours, or helped with an investigation for four hours, there was no record of that over the last nine months. Supervisor Wamboldt asked Chief Deputy if a supervisor typically came into the building after their shift, even while working overtime. Chief Deputy responded not always; they have take-home squads. Supervisor Wamboldt asked if there is record if they're coming into the building, or if they call on the radio to clear their shift, that there is a record of some of it, while it might be a pain to get it. Clara commented that employees' swipe into, but not out of the building. Supervisor Gulley suggested asking the supervisors how many hours they get overtime; a relatively accurate depiction would be given and provide another data



point. Supervisor Wamboldt agreed. Supervisor Pomaville asked what the window was, as the resolution says August 1<sup>st</sup>, 2020 to the date of the meeting, and she asked what counted for overtime is just a pandemic, an emergency, or a crisis. Supervisor Nordigian responded that any overtime counted since last August 1<sup>st</sup>, 2020. Supervisor Rose commented that Kenosha Police, Racine, and Walworth County all do this, regarding the resolution. Supervisor Wamboldt suggested they also ask for information on what other counties do. Joe added that he believes Kenosha Police Department treated their supervisors as hourly. Where the word 'exempt' comes in, how it's written in the whole scheme of things, but that's where investigation comes in, in finding out what other departments do. Clara added that her understanding for Kenosha Police Department, that the supervisors are hourly. Supervisor Rose emphasized that, this is what the administration is set out to do, not the committee, to come forward on how it can be done.

Patty commented on a ballpark number, based on when the civil unrest occurred, and the county ran the operations. The county paid for hotel rooms, food, etc. to Kenosha Police Department and others, including deputies. Patty commented she was surprised when the Kenosha City estimated overtime cost was \$1 million. The county estimated their overtime cost at about \$400k. Patty said she then became aware that the city's command staff gets paid overtime. In a ballpark number, the city incurred about \$1 million in overtime during the civil unrest alone, both in police officers and in command staff overtime. Supervisor Wamboldt asked that the Sheriff's Department would be less than that, just by sheer numbers. Patty responded that the overtime for the county was \$400k and the city was over \$1 million, for the same period. Supervisor Gulley asked to clarify that the number being thrown out there by Patty was in overtime for the non-exempt employees, as a benchmark, to which Patty agreed it was. Supervisor Wamboldt agreed that would be a good number to use to determine how many deputies were getting overtime proportionally. Patty reiterated for just that period, to which Supervisor Wamboldt agreed.

Supervisor Wamboldt asked if supervisors were to put on paper how many hours they put in overtime, after the civil unrest. Chief Deputy responded that there are supervisors who work a multitude of hours above and beyond during special teams, when they get called in. Then there are supervisors who work a straight 8-hour shift. Supervisor Rose asked how many supervisors the Kenosha Police Department has. Clara responded that it would be a question for the Kenosha Police Department. Supervisor Pomaville referred to what Patty said about the \$1 million, and how does that compare to the courtroom.

Chairman Frederick reminded the committee there was a motion on the floor without a second. Supervisor Rose restated the motion which was to direct and authorize the staff to come forward with a cost estimate for the retroactive payment as well as the forthcoming budget. Supervisor Nordigian seconded the motion. Chairman Frederick asked if there was discussion. Supervisor Gulley asked if a date was being attached. Supervisor Rose responded that he would like the committee to set a date for a special meeting, hopefully this month. Chairman Frederick said that he would like the staff to provide a date when they would have the information, and not to have the committee set a date. Supervisor Rose commented that he hoped it would be in the next 30 days, not the next 90 days. Supervisor Wamboldt asked if Supervisor Rose would be willing to make it for their next regular meeting in 30 days on September 1<sup>st</sup>, 2021, to which Supervisor Rose agreed. Clara said they will do their best to get with finance, human resources, and Corporation Council. Motion passes unanimously to discuss the resolution in further detail on September 1<sup>st</sup>, 2021 with no further discussion.

***Resolutions from the Kenosha County Sheriff's Department:***

**Approval for Probationary Cabaret License for Stein Farms**

***Motion by:*** Wamboldt    ***Seconded by:*** Pomaville    ***Approved:*** Unanimously



7:30: Captain Tony Gonzalez of the Kenosha County Sheriff's Department presented. Supervisor Wamboldt initially asked for the number calls for service, but then found the information on page 13 of the resolution. Supervisor Wamboldt motioned to approve. Supervisor Pomaville seconded. Motion passes unanimously with no further discussion.

Approval for Law Enforcement Justice Assistance Grant (JAG) Award

**Motion by:** Gulley    **Seconded by:** Pomaville    **Approved:** Unanimously

7:31: Chief Deputy Levin of the Kenosha County Sheriff's Department presented. Supervisor Nordigian asked what the JAG money is typically used for. Chief Deputy responded it can be used for a multitude of things, but it is best served by buying laser detection devices for the squads, which will hopefully be coming out here in 2021 or 2022. Supervisor Gulley motioned to approve, Supervisor Pomaville seconded. Motion passes unanimously with no further discussion.

***Discussion on Corrections:***

7:33: Clara Tappa, Director of Kenosha County Human Resources, answered questions from the committee. Supervisor Gulley started by saying in earlier discussion there was mention of wanting to understand salaries locally, which should include an assessment of corrections. Supervisor Gulley had no further questions to ask here as they were answered already. Supervisor Nordigian asked what the number of vacancies are open for corrections and deputies, going off the earlier discussion and looking to see what needs to be done for salaries for both. Supervisor Nordigian asked about recent promotions, there has been one that they know of. What the differences are between all the counties that are touching us, Racine, Walworth, Waukesha, Lake and McHenry. The number of correction officers and deputies in each county. The ratio of command to deputies in Kenosha County and what that means and how it compares to other departments. Supervisor Nordigian commented that they are going into budget and looking to have a good comprehensive plan and be able to make an offer better than in the past to attract as many good officers as possible.

Clara said there are two facilities, the Kenosha County Detention Center on Highway H, and the Pre-Trial Facility located at the downtown facility. The current population of detainees is about 550. At KCDC we have 72 Direct Supervision Officers (DSO) with 6 vacancies. At Pre-Trial we have 42 Correctional Officers (CO) with 10 vacancies. There is a 14% overall vacancy rate. There are 9 Sergeant's and 11 Corporals in detentions that make up the supervisor layer. There is a promotion in process for an open Corrections Corporal. By the end of September there will be 11 new hires for Corrections Professionals. They are going through the final stages, assuming they must give two weeks' notice with their current employers, and then they will be onboard. There is constant recruitment, always accepting applications, testing on demand rather than a future date and testing as the candidates come in. There is a dedicated Sheriff's Department employee now who is proctoring those exams. Viable candidates sit down for the exam with her to get them through the process so there is no delay in terms of recruitment.

Supervisor Nordigian asked if there is a minimum requirement to apply. Clara said yes, there is a test to create an eligibility list. Then, they go through job traits analysis, pre-employment, physical, etc. Supervisor Nordigian asked about if a candidate moved to the area but was a corrections officer in another county or state. Clara responded there is a certification process that they go through by the state. If someone is Wisconsin State certified, they do not have to through the training process. Clara referred to the recent report in the Journal Times regarding significant vacancies and turnover in Racine County. Their decision to drastically increase rate of pay will likely impact Kenosha County in recruitment and retention. The Sheriff's Department, Finance, Human Resources, and County Executive's Office have been working to properly assess the risk and strategize solutions.

Supervisor Wamboldt asked about the surrounding areas and what has been learned about them and how it relates to what Racine is doing. Clara responded that nothing, in terms of ready to make a move. Racine made a significant move and put neighboring counties in a position.

Supervisor Rose asked if it was being paid for through the American Rescue Plan Act. Clara responded it was her understanding it is. Supervisor Rose asked how they are doing that, when earlier Clara and Patty said it was not legally possible, and asked Clara to reconcile that. Clara responded that her Finance Director, Patty, had left but it was her understanding they are making their decision to use those funds, while they have their own advice and research. The decision Racine made, and the intent, is to slowly build up their tax levy to prepare for when the ARPA funds expire. Supervisor Rose asked Clara if it has been discussed with Racine, to find out what their legal authority is. If not, why has it not been discussed yet and getting the information for the committee. Clara responded that the Finance Director discussed it with Racine, that they have their own stance on it. Supervisor Rose state that it should've been reported to the committee that Patty had discussed with Racine before, because he would like to know what their legal authority is, what their opinions are, and the committee needs to know that information. Supervisor Nordigian asked if WCA had chimed in on this. Clara responded yes, and that is what Patty reported to earlier. Supervisor Nordigian asked if we are taking what our Corporation Council believes to be the right course of action, where Racine chose not to take that course of action. Clara responded that Race made the decision and she cannot speak to whether they should have or not. Supervisor Rose asked if anyone has said no to Racine, that they cannot do that, that they must have checked this out on some federal level or with administrators and lawyers.

Supervisor Nordigian asked if Racine had received money yet. Clara responded that the ARPA funds have been distributed. Clara commented that with concern with corrections, she is unsure how Racine justified it under ARPA. Earlier while talking about civil unrest and using ARPA funds. Racine may have a situation they are in that has justification for ARPA for other reasons.

Supervisor Nordigian asked if ARPA would fall under COVID and if there was any increase in corrections. Supervisor Gulley added if they had to space prisoners out more for example. Clara clarified if the question asked was about pay or spacing. Supervisor Gulley responded it was about the eligibility of the funds after reading that the ARPA funds were based on COVID, not on anything to do with civil unrest. In the case of Racine, there may be something going on in their corrections facility, based on COVID, making their eligibility different. Supervisor Gulley asked Clara if this was a possibility, without saying definitively. Clara responded that it could be a possibility that Racine is extrapolating and justifying it for COVID reasons.

Supervisor Gulley clarified that Racine is making a commitment to fund after ARPA, and that it is not a source of funding. Clara agreed that ARPA is not a long-term source of funding. Supervisor Gulley said that they are making a commitment long term to get coverage, but then it goes to the taxpayers after that. Clara agreed there will be funding after ARPA. Supervisor Rose commented that there needs a report from Human Resources, Financing, and Racine about how they got the funding from ARPA, and what the approval was. The federal government has checks and balances, reporting, approvals, etc. If the money can be used is should be, even in part, to address the issue of correction guard salaries. There will be difficulty recruiting people and right now there is 16 vacancies. Clara clarified she was not aware she was answering the question of whether detention salaries could be increased with ARPA funds, she is not speaking to that but saying Racine uses ARPA funds. It was believed the civil unrest couldn't be used for ARPA funds. Supervisor Nordigian asked if we already have ARPA funds, what was it applied to, to get the funds. Clara responded those funds were grants and this is stimulus money that comes from the Federal Government. The County Board now wants administration to come forward with a plan on how to spend the money. Supervisor Nordigian asked if the money was already there, why not spend it. Clara responded that she believed there was some sort of reporting, though she could not speak to it.

Supervisor Nordigian asked if there was a mechanism to go back and show where it was spent, or do they provide the money to spend without any checks or balances. Clara responded that she did not think so. Supervisor Gulley asked if Supervisor Nordigian meant from Federal. Supervisor Nordigian responded that they already had the money. Supervisor Wamboldt commented that there could be checks and balances, Clara did not know, and it needs to be found out. Supervisor Gulley thought the committee had voted to determine what happens to the funds. Supervisor Nordigian agreed they did. Supervisor Gulley asked if that was the check and balance. Supervisor Nordigian said that if right now, they want to go back and pay for civil unrest they have the money. Supervisor Gulley asked Clara who would tell us money cannot be used for something it is not technically eligible for. Clara responded that she was certain there is reporting on that. Supervisor Pomaville added that it will be denied it would have to be applied to something else or to give the money back. The federal government has tight regulation on grant reporting and at the end of a grant nothing gets slipped past, you must account for every penny. If it's not on something that is absolutely allowed, they will disallow it. Supervisor Nordigian said you can argue the entire county budget is affected by COVID. Supervisor Pomaville asked if there are clear perimeters on ARPA funds and what it can or cannot be spent on. Supervisor Wamboldt asked who wrote the grant. Clara responded that it was not a matter of writing the grant, they are funds that were distributed throughout the country. Supervisor Wamboldt said they were getting off track. Chairman Frederick agreed and to get back on topic.

Supervisor Rose commented that they need to authorize and direct the administration to bring back to the next meeting information on how Racine accomplished the payment of correctional guards with this American Rescue Plan Act. There needs to be collaboration from Human Resources and Racine to bring information to the committee. Supervisor Rose motioned to have human resources bring back the information to the next meeting to so the committee can judge. Supervisor Nordigian clarified that it was to find out what Racine did in order to use the ARPA funds for corrections, that was all, to which Supervisor Rose agreed. Supervisor Gulley seconded the motion. Motion passes unanimously with no further discussion.

Supervisor Frederick asked if there was any further discussion. Supervisor Rose asked what the average correctional guard salary is. Clara responded that the paygrade for a correctional professional is \$21.15 minimum, \$24.01 at the midpoint, and \$26.87 maximum. Supervisor Rose asked what Racine is raising their starting rate to. Clara responded Racine is starting at \$28.96. Supervisor Nordigian commented that Uline is starting \$23 to \$30 an hour at their warehouse as entry level, that is what is being competed against. Correctional professionals have a higher training value, so that needs to be considered.

***Any Other Business Allowed by Law:*** 7:51: None

***Meeting Adjourned:*** 7:51: on motion by Pomaville; seconded by Gulley

A recording of the meeting is available online at [kenoshacounty.org](http://kenoshacounty.org)

Respectfully Submitted,



Alyssa Werfelmann

