

MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE

August 4th, 2021

KCAB 2ND FLOOR COUNTY BOARD COMMITTEE ROOM

Members Present: Sharon Pomaville, Boyd Frederick, Jeff Wamboldt, Mark Nordigian, Terry Rose, Jerry Gulley, Laura Belsky, YIG Samuel Arnold, YIG Reya Babu

Others Present: Chief Deputy Marc Levin, Cpt. Tony Gonzalez, Sgt. Chase Forster, Sgt. Alex Sanchez, Sgt. David Zoerner, Jordan Shulski, Corp. Leona Dobbs, Jeremy Preischel, Matt Rairie, Kimberly Preston, Ashley Lutterman, Clara Tappa, Patricia Merrill, Angela Khabbaz, John Cargille, Tom Carrao, YIG Joshua Cao, YIG Meredith Kaufman, YIG Chad Loesch

Meeting Called to Order: 6:31 p.m. by Chair Sharon Pomaville

Citizen Comments: 6:31: None

Supervisor Comments:

6:33: Supervisor Belsky commented that she went through the notes of the previous meeting, since she was absent. She called the city of Kenosha Finance Director, Carol Stancato, to clarify some of the overtime costs for the city, as it was stated last meeting at \$1 million. In 2020 the City of Kenosha Police Department, during Civil Unrest, spent \$531k for overtime with fringe benefits, including social security and pension this came to \$636k. The protest in January 2021 was \$181k in overtime including fringe benefits. The additional \$500k was spent in equipment and damages to their Bearcat and buildings but is not a part of overtime. President Trump granted Kenosha \$1 million to spend in expenses which can include overtime. The \$1 million was split with the City receiving \$600k and the County receiving \$400k. County Executive, Jim Kreuser, wanted help to pay for the fencing, so the City gave \$100k of their award back to the County. Supervisor Belsky wanted to be clear what was spent on overtime versus equipment or damages. Supervisor Belsky requested from Director Patty Merrill a breakdown of how the \$500k grant was spent from President Trump. This was probably shared with Finance but would like that provided to the committee.

Chairman Comments: 6:35: None

Approval of the Minutes from August 4th, 2021:

Motion by: Rose **Seconded by:** Nordigian **Approved:** unanimously

Resolution from Kenosha County Sheriff's Department:

To Approve the 2021 Walmart Foundation Grant – Discharge Planner Program

Motion by: Rose **Seconded by:** Frederick **Approved:** unanimously

6:36: Angela Khabbaz, Fiscal Services Manager of the Kenosha County Sheriff's Department, presented. The resolution was to accept a \$1k grant being offered through the Walmart Foundation. The fund will be applied to the Discharge Coordinator, Eddie Hartnell, and used to buy supplies inmates may need upon release such as bus tokens, toiletries, new set of clothes, etc. Supervisor Gulley clarified a type on the resolution that it was for \$1k. Angela apologized for the typo and agreed it was for \$1k. Supervisor Nordigian asked if this grant happens every year. Angela replied that this was the second year they received the grant and last year it was \$1200. Eddie Hartnell was shopping for supplies when one of the store associates mentioned the grant to him last year. Supervisor Gulley asked if the grant was subject to carryover. Angela replied yes, it was.

Supervisor Rose motioned to approve. Seconded by Supervisor Frederick. Motion passes unanimously with no further discussion.

Discussion on Kenosha Sheriff's Department Body Camera Policies for Review:

6:39: Sgt. Chase Forester, of the Kenosha County Sheriff's Department, answered questions and presented. Sgt. Forster is in charge of the BodyCam program at the Kenosha County Sheriff's Department, and was asked to provide an update on how the program is going. Sgt. Forster expressed that it was going very and the

deputies love the body cameras. Most of the issues have been worked out and it seemed everyone was doing really well with it. Sgt. Forster presented some numbers to the committee. Since the launch in April of this year, 58 Terabytes of data have been used, which are stored in the cloud and not inhouse. This is about 143k pieces of digital evidence which include squad video, bodycam video, and series of pictures. For example if a series of 30 pictures are taken that counts as one piece of evidence. Over 740 cases have been created for the DA's Office, open records requests, and any other supervisor requests. This means taking a lot of digital evidence and sending it out to the persons requesting it. About 500 of these cases were created by Sgt. Forster. There are 240 bodycams issued right now, this ebbs and flows as people leave and get hired.

The Sheriff's Department just received ALPR's (Automatic License Plate Readers) in 15 squads last month. This is going well and every deputy that has been assigned the ALPR likes it. ALPR captures plates as the deputy is driving around, even at full speeds. A deputy can sit on the side of the interstate in the squad and as cars drive past at full speed the ALPR will pick up the plate. This works just as well when driving through shopping centers or side streets at normal speeds. The ALPR reads the plates and the deputy does not have to do anything. It captures stolen plates, suspended plates, expired plates, or any kind of registration violation imaginable. Supervisor Nordigian asked if the ALPR does anything like warrants or is only vehicle related. Sgt. Forster replied that it only flags plates. If there is a person associated with the plate, it does not run out the plate for the name. Sgt. Forster explained that he has to go on the DOT website to download a 'Hot List', which is every known plate in WI or every plate that has been put into the WI DOT system which can sometimes include Illinois or Minnesota plates, but is mostly Wisconsin. Once the list is downloaded it gets uploaded into our system. The ALPR then checks what is on the list, it does not run out names or anything, just plate data.

Supervisor Nordigian asked if there was a time or other benefit to the automated reader. Sgt. Forster replied that he didn't know how to look up that data, but the deputies do not have to focus on driving and using the computer at the same time to run plates. There is a tablet in the squad that is flagging plates as the deputy is driving, it does not pick and choose. If the violation shows up on their tablet, the deputy can glance over to see what the violation is, they can then pick up the radio and run it through dispatch. The system is more of a convenience than a time saver. An additional benefit is if there are a lot of cars leaving the area, the ALPR can flag all the plates for future investigations instead of trying to write them down as they are passing.

Supervisor Belsky asked about how the tracking, maintenance, and supervision of ensuring cameras are on when they are supposed to be is going. Sgt. Forster replied it is in the policy that the camera must be on while on duty. Supervisor Belsky understood but asked about the management of ensuring the policy is being followed. Sgt. Forster replied that he managed the data and if he see missing footage he will reach out to determine why. Deputies are required to report missing footage and why, for example if their battery dies. Supervisor Belsky asked if the supervisor is notified and receives an alert. Sgt. Forster replied that they do sometimes, but other times a deputy will be on a call and it dies. They are then required to put into their report that the camera is dead. Otherwise, the only way to know is by going back and looking for missing footage. A report can be ran to see what the batteries are at every hour, but this is not typically done. Supervisors expect policy to be followed. Supervisor Belsky commented that she wanted to follow up because in previous meetings the committee had talked about the management of that specific policy. If there is a policy there needs to be insured that management is there as well.

Youth In Governance, Sam Arnold asked about a potential plan of action for deputies who violate policies, because in the previous one there wasn't a concrete one in place. Sgt. Forster replied that they have not had an issue yet, but would follow normal standard procedure for discipline.

No further discussion.

Discussion Regarding Kenosha Sheriff's Department Staffing Challenges:

6:45: Patty Merrill, the Finance Director for Kenosha County, answered questions and presented. Patty commented that there were two directives given to staff at the last meeting. To authorize and direct staff to come forward with a cost estimate for retroactive payments and forthcoming budget, regarding Supervisor Rose's resolution on paying time and a half for exempt supervisory staff in the Sheriff's Department. An average overtime rate for command staff was used to calculate a dollar amount and then built in rollups for a total amount of \$200k. That encompasses August 1, 2020 through the date of the last meeting (August 4, 2021). Estimates were put together based on historical information only. If a payout were done person-by-person it would not be an accurate payout because there are no official records.

Supervisor Rose asked if there was an hourly estimate and how many hours were produced in overtime in 2020. Patty asked for clarification. Supervisor Rose responded that he would like to know the number of hours for each person from the Sheriff's supervisory staff, from August 1, 2020 to August 4, 2021. Patty replied that the hours given for the period of Civil Unrest was 73.5 hours on average per person and the remainder of the year was 29 hours. Supervisor Rose asked that was about 100 hours per person. Patty agreed that was approximate. Supervisor Rose asked how Patty came up with \$200k. Patty replied by multiplying the average rate with rollups (social security, etc.).

Supervisor Gulley asked for clarification on the hours, that 73.5 hours was for civil unrest, and then from that period to the last judiciary meeting each person only worked 29 hours overtime over that length of time. Patty replied yes, to the 29 hours. Supervisor Gulley clarified that was just supervisory staff, to which Patty agreed. Supervisory staff totaled 28 people.

Patty addressed the committee through the chair. She commented that they were asked specifically last month to speak specifically to the resolution brought forward and whether ARPA funds could be used for that purpose, or if they could draw from the general fund. Patty expressed that she answered that in context. Patty posed a question to the committee asking what the goal is that they are trying to accomplish. If the goal is to get additional compensation into the pockets of the command staff that worked, who did get compensation but not enough that the committee felt was necessary, then direction given could be coming up with a manner in which ARPA funds could be used for something like that. Specifically, ARPA cannot go backwards, it must start March 3, 2021 and go forward. So, the hour-for-hour calculation going back to August 1, 2020 does not work for that purpose. If the committee is looking for a blanket amount, that each supervisor gets a set amount, because there are no records, but if the committee defers the administration to come up with a dollar amount and bring it forward, there is the potential for formatting that in a way ARPA funds can be used and incorporate that into the plan being put together.

Supervisor Belsky replied that she checked into the ARPA funds and was glad to hear Patty acknowledge that they can be used. The use doesn't need to be identified because Civil Unrest would be covered prior to March 3, 2021, but as a committee they could say to they want to use ARPA funds to supplement. A date does not need to be given, just a resolution saying "This is the amount we want to give the 28 supervisory staff", period, from ARPA. Supervisor Belsky commented that she looked into the formula, talked to some people, and understood that piece. If this was going to be a one-time, Supervisor Belsky believe the next step is to look at corrections and supervisory staff and what the appropriate pay scale should be in place going forward. Supervisor Belsky commented to use the ARPA funds as a one-time for whomever deserves acknowledgement and respect for the job they do and demonstrate the financial wherewithal and commitment to those persons financially.

Supervisor Wamboldt commented that he had put out the request for hours in the previous meeting. It was more of a specific comment, so he knew what the number was because the committee was in an unknown area. Supervisor Wamboldt commented to Patty that she came back with \$200k, but it doesn't help explain what the committee would like to see done. Knowing the number, that what the purpose of the request and thanked Patty and those in the room for the work put into. Now that an approximant number is known they can move forward from here.

Supervisor Rose asked Patty if she subtracted off the \$200k the payments already made out to supervisors previously. Patty replied that some supervisors were paid \$1k and others \$2k, the total amount paid out was \$41k and already subtracted from the \$200k total.

Supervisor Gulley commented that he believes in Supervisor Rose's resolution and it referenced a lack of payment for overtime hours as a deterrent for people seeking supervisor roles, which looked like almost three hours a month. Supervisor Gulley asked if his interpretation was correct. Patty deferred to Chief Deputy Levin to answer. Chief Deputy asked for a repeat of the question. Supervisor Gulley replied that in the resolution it states that supervisory staff works overtime hours but does not get compensated, which is stated as a deterrent and made it hard to fill the roles, and is the average number of about 3 hours per month per person correct. Chief Deputy agreed the number is correct and was an average. Some people were able to report hours that they did by recalling working or through information supporting that they did work. Some people said they worked a lot but could not recall dates and times. Supervisor Gulley asked if the anomaly was Civil Unrest, to which Chief Deputy agreed. Supervisor Gulley commented that if the anomaly could be addressed it can be separated out and restated that he wants the staff to be compensated appropriately. It was perceived after the last meeting that it was tens-of-hours a month per person and wanted to make sure the understanding was correct.

Chairman Pomaville had two questions, that they were talking about supervisor staff in the Sheriff's Department and then supervisor staff in general employed by Kenosha County, who have put in a ton of hours of overtime during the pandemic. Chairman Pomaville commented that if she were an employee she would be wondering why the Sheriff's Department received additional funding and the rest of the exempt county employees did not, and wondered if there is a conflict on a county level that is not fairly being distributed or if there is a conflict on Federal level like the Fair Labor Standards. Patty referred to Director Clara Tappa, Director of Kenosha County Human Resources, to answer the question. Clara replied that there are exempt employees throughout the county and on any given day or week an exempt employee may work over a standard business day. There is an element of do you single one group of people out and give overtime and others don't. However, you are talking about the specific group of people, the law enforcement command staff, that worked during a very specific emergency, where it was a certain number of hours. Clara restated that their efforts, time, and accomplishments do not go unnoticed and are appreciated. The exact numbers of the health department staff, worked incredible hours throughout the pandemic and continue to work long hours. Clara commented that people throughout the county, and primarily her staff, have been there to support departments who have worked several additional hours above and beyond. In terms of the Fair Labor Standards Act, if treating one group of employees differently than another, it must be ensured the appropriate legal understanding of how the county is classifying a certain group of employees versus another one. If there is enough of a difference, there to put everyone's exempt status at risk and there are a lot of factors involving exempt status. Chairman Pomaville asked if Corporation Council had anything to add. Joe Cardamone replied it was hard to answer a question like that in abstract and when there is an actual proposal that it should be carefully vetted by an outside company that specializes in that field. Corporation Council are generalists, speaking in general terms, but ideally you want someone who deals with it regularly to make sure. Clara added that she believed what they can do, is consider some kind of additional pay when they work in a different capacity, like when the command staff works Country Thunder or Amazon, where it is an additional stipend above and beyond the physical capacity of work, and to do something like that is possible.

Supervisor Belsky had two questions regarding ARPA funds and the grant given by President Trump, due to exceptional circumstances. Looking at exempt employees across the board that gave for COVID and Civil Unrest, it does not need be defined at that. Supervisor Belsky expressed that it would be a good faith one-time effort because it is due to exceptional circumstances, to use the ARPA funds to retain employees, the county's valued employees. Supervisor Belsky's second question was in regards to the 28 supervisory staff that is exempt, if it known practice that has been mentioned in the past during Civil Unrest still in place, where taking time off or switching days, if that was the known practice Clara was referring to. Clara asked for clarification. Supervisor Belsky asked if that was going on during Civil Unrest and is it a known practice among command staff. Chief Deputy replied that the swapping of time, special times, and special day trades that were done during Civil Unrest were not known or accepted by the Sheriff's Department. The practice was corrected and is not continued today. The practice that is continued today are in a clause included in the Deputy Sheriff's Association, that the Sheriff's Department Supervisors can be part of. Other than that any kind of day trades, trading, time on or off goes through Chief Deputy's approval. Supervisor Belsky commented that exceptional circumstances require exceptional action by the committee, and the full board, and if the county wants to retain excellent staff they need to look at compensating them appropriately in the form of a one-time bonus, which is money well spent.

Supervisor Rose commented that the County Board has been told many times that people do not apply for supervisors in the Sheriff's Department because they don't get overtime and would make more money as deputies. It is important to set general principals and that is what the resolution is trying to do. Supervisor Rose commented that it shouldn't get too complicated because if they consider too many factors, nothing gets done or passed because it becomes too complicated and they end up just talking about it. Supervisor Rose commented that he draft the resolution and while talking did make some revisions. Instead of going back to August 1st they merely begin the resolution with January 1st, with the principal that they will pay overtime, regardless if that overtime comes to three hours a month or more. The board has been told too many times that the one of the reasons people do not apply for supervisory jobs is because of lack of overtime, accepting it as a given, and not challenging it. Supervisor Rose proposed taking the original resolution and deleting August 1st from the it, striking paragraph two on the second page, adding "to commence this January 1, 2022 that supervisors at the Sheriff's Department be paid overtime" at least in 2022. Supervisor Rose felt that was clear based on what he heard that evening, that the funds would be paid out of the American Rescue Plan Act for the

year 2022 and what needed to be done thereafter didn't have to be decided this evening. Supervisor Rose offered to make copies for the committee.

Supervisor Belsky asked if the committee wanted a resolution that has Human Resources looking at it a non-exempt supervisory staff versus exempt because they could get into legal trouble. Supervisor Rose agreed that is something the administration would work on, the committee is just coming up with a general policy or principal, but the mechanics are up to the staff. Supervisor Belsky added that it needed to be put into the resolution, not just to say to compensate them overtime, to say that it is important to look at the command staff and evaluate the change in status from exempt to non-exempt. Then it legally addresses the job code and that's a huge factor. Supervisor Belsky asked Corporation Council if that would be appropriate. Joe clarified and asked if it would be appropriate to add what is being reviewed, doing the non-exempt status versus the exempt status but still pay overtime. Supervisor Belsky replied yes, because you cannot pay overtime for exempt employees. You can give one-time bonuses through ARPA but going forward make the command staff non-exempt status. Supervisor Belsky added that the Sheriff's Department and HR would need to add input and say how other counties are doing it, as not many people are really wanting to go into law enforcement at this time. Supervisor Belsky agreed with the resolution but felt the committee needed to safeguard itself and needs to look at the job classification and make sure no laws are being broken.

Vice-Chairman Frederick the committee that the resolution was not on the agenda. It can be discussed what is in the resolution but there cannot be a vote on it.

Patty asked the committee what they wanted to see moving forward, as Supervisor Rose's resolution was very specific on hour-to-hour overtime. Patty asked if it would be a policy that states that it is only in the event of exceptional circumstances such as Civil Unrest or COVID. Patty commented that the resolution is talking about overtime going forward. Going back to ARPA funds, it only works as a one-time bonus, but ARPA ends in 2024 and then it is on the levy. Patty asked the committee what the best manner to put something like this into place and if they are look for hour-to-hour overtime. Also, what the parameters are, if a supervisor spends an extra hour at his desk filing his report is that overtime, or special circumstances where they get called out on special duty above and beyond, situations of unrest, things that are above their normal job and could the pay be constructed in a manner that an exempt employee would get it. Patty commented that to re-classify supervisors as non-exempt means they would lose certain benefits, such as no waiting period on their A&S pay, little things that are special. When you re-classify them, they no longer get those benefits, so is it in the supervisor's best interest to make them non-exempt. Chairman Pomaville commented that those are important things and the resolution should be vetted out to look at what the committee is trying to do and in what way. Where the mechanisms work and it could go far deeper than the committee alone because they are looking at all employees of Kenosha County and not just the Sheriff's Department, and how do we do that if that's what this group is interested in moving forward. Supervisor Belsky said she would like to see a one-time bonus given the exceptional circumstances of the past year. That it should be left to Chief Deputy and Sheriff, perhaps talking with the Union or Association, on what is best moving forward, and what is the recommendation to come back to the committee to say they go exempt or non-exempt and it is not something that can be incorporated into a resolution at this time. Supervisor Belsky said that there should be a one-time bonus payout and follow it with an evaluation of jobs to make sure corrections, Sheriff, supervisory staff, and administrative staff are being paid an appropriate competitive rate. In Supervisor Belsky's opinion it is not a resolution for today.

Supervisor Rose reiterated that it should not get too complicated because when you put a lot of discretion in the administration to pick and choose what constitutes the time you get overtime or bonuses, it makes for rules which are unevenly applied, is it the wrong way to go, abuses can be developed, and just paying overtime for supervisory staff is simple and direct. Chief Deputy can define what constitutes overtime, for example sitting at a desk doing nothing is not overtime. That is something that the Sheriff, or top person, can regulate because they know what overtime is. The board has been told countless times that people do not want to apply for supervisory jobs because they do not get overtime, and this addresses that issue. Supervisor Rose commented that he did not like the bonus idea and if they wanted to go broader and consider supervisory staff in general that is something the county board can certainly consider, and a lot of committees that can take that up. Supervisor Rose said the committee deals with the department that is under the jurisdiction of the Judiciary and Law Enforcement Committee and that is why the resolution was drafted in this form, and an issue that is has been talked about countless times and it is now being addressed.

Supervisor Wamboldt asked Supervisor Belsky for clarification on the "one-time bonus" and if that was just for Sheriff Department's supervisors or all county staff. Supervisor Belsky replied that it was for

everyone that put in the time, whether it was COVID or Civil Unrest, and their exempt or non-exempt status. Human Resources would have to make the determination which departments put in the time, exempt or non-exempt, and ARPA should be used for exceptional circumstances.

Supervisor Wamboldt commented on Supervisor Rose's point about deputies not putting in for supervision because they don't get overtime. Supervisor Wamboldt did not believe it had to do with exempt status because a supervisor typically gets very little overtime. What happens is a deputy, like a police officer, gets called in for an entire shift many times in a month, so their salary numbers go very high. Supervisor Wamboldt knows people on the city police department, whose salaries may be higher in the range of a captain because of all the overtime, whereas a Sergeant would not have that opportunity no matter what. It does not have to do with the numbers here but has to do with the call-ins for complete shifts. The dozens or hundreds of hours a deputy might work as opposed to what a supervisor might work which would only be a few hours a month. Supervisor Gulley said a better way to say it is lost revenue. It's not the overtime hours, its lost revenue because they don't have the opportunity to put in for it, to which Supervisor Wamboldt agreed. Supervisor Gulley commented that it goes back to the pay structure review, to which Supervisor Wamboldt also agreed. Supervisor Nordigian said to the point of Supervisor Wamboldt and Gulley, in the private business there are some people who don't want to be supervisors because there are workaholics who to want to get paid for every hour that they are there. Then there are people who want to be supervisors because they see the benefit of growth and getting into areas they couldn't get into, had they stayed at an hourly wage. Supervisor Nordigian commented that the structure of pay needed to be looked at and he didn't believe you can pay overtime to an exempt employee with calling them non-exempt, which is strictly verboten. They need to find something to attract supervisors if not from their system then from other systems, which is a benefit to bring in people from other areas who do things differently. Private businesses want that and to bring in outside influences. Allow the command staff to determine if something is good or bad and either shuttle it out or feather it in. In Supervisor Nordigian's opinion the ones that are going to work hard and make as much as they can for the hourly wage are the exempt's and the people who want growth are non-exempt, and there are clearly two different ways. Supervisor Belsky commented that Wisconsin has one of the best retirement systems in the nation and some people will not go into administration to get a good pension, including her husband, a retired Firefighter.

Supervisor Gulley asked for clarification on the one-time bonus potentially including county wide staff. Supervisor Belsky agreed it would potentially include county wide staff. Patty commented back in May the board had directed the administration to come up with a plan for ARPA funding, which is being worked on. Patty has asked people to provide ideas, things they want to see, and made several phone calls, and tonight made some notes from Supervisor Belsky's comments and will incorporate some things.

Patty said the second thing was "to authorize and direct to bring back to the next meeting information on how Racine accomplished payment to correctional guards using ARPA funds." Patty wasn't sure if the committee felt they received an answer to that or not, the statements made on ARPA had specifically to do with this resolution. Patty spoke with the Racine Finance Director, and their Human Resources Director, and received a copy of their resolution. Everything that was read said this was for one-time things, but the Racine Finance Director said they understood but have a severe issue there. Racine was facing a 112% turnover in their correctional staff and about a 50% vacancy. In Patty's opinion the ARPA funds were a lifeline to Racine and Kenosha County is not sitting in the same position. Kenosha has a 14% vacancy and is not facing a 112% turnover rate. Racine felt they had to take the ARPA money and move forward with it immediately, Kenosha does not have the same sense of urgency but there is now a larger concern for Kenosha based on the actions Racine County took. Their resolution was put into effect on August 14th, and also when the pay raises went into effect, they are funding it through 2021 in ARPA funds. Over the next couple of years they will decrease the amount of ARPA funds they use, so by the time ARPA funds run out it is completely on the levy. Racine will cushion the impact on the levy over the next few years. Patty did not ask for detailed information, only the concept to understand what they were doing. Patty was not present for the last section of the meeting last month, as she was unaware it would do with pay or ARPA funding, and so wanted to make sure that is what the directive was. Pay in corrections can be funded with ARPA but it needs to be structured properly. Patty is looking into the possibility of using it as a stop-gap like Racine did while putting the plan for ARPA together. Supervisor Rose asked what the turnover rate is in Kenosha. Neither Patty nor Clara had that number available. Supervisor Gulley formally requested for it to be part of the proposal and Patty responded that she added it to her list. Chairman Pomaville asked if it was on the list to do something about other departments in Kenosha County, even though the committee has no authority to do anything. Patty responded yes, as

Supervisor Belsky stated, for the exempt and bonuses for employees and the impact of COVID with the extra hours put in. It was all hands-on-deck for the vaccine clinics and there were people from every department. The exempt employees were not getting paid extra, either they worked a weekday and ended up doing their real work on the weekend or they worked at the clinic on the weekend. It was part of a bigger purpose and to help the community, so nobody was looking for anything. The hourly employees got paid if they worked additional hours, but the exempt staff did not.

Chairman Pomaville asked if there is a desire to begin the process, to see if exempt employees would want to be reclassified to non-exempt, both in the Sheriff's Department and county employees. This is not something that goes on in this committee, but where does it land from here and may be the next conversation to have. Supervisor Belsky comment that she had said Chief Deputy and Sheriff need to reassess with the association if those positions should be exempt or non-exempt. Not for the rest of the county, like the health department or anything like that. Just specific to the Sheriff's Department was the intent for looking at exempt versus non-exempt, but the bonuses were for countywide. Chairman Pomaville asked that if you have one department that decides everyone is hourly, is there potential Federal issues. Supervisor Belsky replied no, they would have to work with the association. Clara added that the command staff are not part of the association. In order to categorize an employee as exempt, they need to meet the criteria under the federal law, it is not a choice. An employee cannot be treated as exempt if they do not qualify. If you choose to treat, what would otherwise be an exempt employee, as non-exempt you can choose to do that. It is not an employee's choice. There are several things that factor into that if we were to treat those employees as non-exempt, then they would qualify as exempt.

Chairman Pomaville asked if Clara was talking about all employees because it is treating on class different from another and that should be available to everyone. Joe responded that it is not necessarily the case, it is a very specific determination based on job requirements and other factors. Chairman Pomaville expressed her thought that if she was a health department employee, working 80 hours a week for the last year, and another group of people are getting paid hourly, and she was still working 80 hour weeks getting paid salary, she wondered if there was a conflict with that. Clara replied that it is certainly a cultural conflict. As an example at the Kenosha Police Department and the County Executive's Office, there are other exempt employees and how they sort that out and deal with it culturally, Clara did not know specifically. It is more of a cultural issue than a legal conflict. Chairman Pomaville said that it is something to consider, if at some point, there was a change at the Sheriff's Department level, then it could be considered across all county employees as a matter of fairness.

Supervisor Rose requested that the resolution be calendared at the next meeting, he would revise it, the committee can then vote on it. Supervisor Belsky asked if the one-time bonuses would be included. Supervisor Rose replied he was not going to add that, but I can then be voted up or down.

Any Other Business Allowed by Law:

7:27: Chairman Pomaville discussed the next meeting, which lands on Wednesday, October 6th and possibly moving it a week ahead to October 13th. This is due to the budget being released on October 5th and in previous years has moved the meeting to allow time to review and go through the budget. After some discussion it was agreed for October 12th at 6:30pm.

Meeting Adjourned: 7:29: on motion by Rose; seconded by Gulley

A recording of the meeting is available online at kenoshacounty.org

Respectfully Submitted,


Alyssa Werfelmann