

**CHAPTER 340
DEPARTMENT OF EMPLOYEE RELATIONS**

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340-1. Department Established. There is created a department of employee relations, under the supervision of a director of employee relations, with the following responsibilities:

1. Employee benefits administration, including but not limited to health benefits programs for city employees, workers' compensation, injury pay, social security and group life insurance, unless otherwise provided by law or contract.
2. Employee safety.
3. Labor and employee relations.
4. Administration of the civil service system.

340-3. General City Policies and Procedures.

1. **DECLARATION OF POLICY.** The city has a fundamental interest in the development of harmonious and cooperative relationships between city government and its employees and their employee representative groups while enhancing employee performance, maximizing efficiency and reducing costs. The city is committed to creating and maintaining strong and positive employee-management working relationships that foster improved governmental decision-making, good will, innovation and quality public services. The city is committed to supporting these goals in a way that does not diminish the mayor's and the common council's authority while recognizing the rights of employee representative groups to enter into discussions with the city in the course of the city's setting personnel policies and terms and conditions of city employment. These policies and conditions of employment do not supersede the provisions of state law, city charter, other applicable ordinances and resolutions and the civil service rules. Any related code provisions are not intended, and shall not be construed to be in conflict with, state statutes regarding collective bargaining and the recognition of employee groups or organizations.

2. AUTHORITY OF DEPARTMENT.

The department of employee relations shall be responsible for entering into discussions with employee representative groups for the settlement of employee complaints and establishing policies and procedures necessary for the creation of positive, productive and efficient workplaces. The department shall:

- a. Meet and confer with employees and employee groups, including currently and previously-certified employee groups, on an annual basis, and as necessary, for the purpose of communicating, soliciting and exchanging information, views, ideas and interests concerning wages, hours, and other conditions of employment.
- b. Provide, if requested, written documents to employee representative groups of any jointly-recommended changes to be heard or acted upon by the common council.
- c. Establish a dispute resolution procedure for the fair and prompt resolution of employee concerns or disagreements, as well as resolution of workplace disputes. The department shall develop administrative guidelines establishing the scope of matters to be subject to this procedure. This dispute resolution procedure shall authorize the department to investigate the matter and recommend the appropriate course of action to be implemented by the department. Such recommendations shall not conflict with any applicable provision of ch. 63, Wis. Stats.
- d. Develop and implement city-wide employment policies and provide guidance and direction to city departments to ensure that human resources best practices are being followed and to ensure full compliance with applicable employment regulations.

3. REQUIREMENTS OF ALL DEPARTMENTS. City officials appointed under s. 62.51, Wis. Stats., and department heads shall cooperate with the department of employee relations in the discharge of the duties set forth in this chapter and in implementing any directives issued by the department of employee relations. City officials and department heads shall:

- a. Communicate departmental rules and procedures with employees and employee representative groups and provide reasonable notice of changes to work rules, practices or policies.

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b. Engage employees and employee representative groups in the city's decision making processes concerning relevant personnel matters and operational issues by soliciting their input and feedback when appropriate.

c. Inform employees of relevant dispute resolution procedures, grievance procedures, and appeal rights available to them under applicable laws, civil service commission rules, and other relevant policies. This information may be provided directly to employees or through an employee representative.

d. Cooperate with employee representatives in addressing and resolving employment issues and concerns.

e. Establish the use of seniority for vacation selection, job-picking assignments and other assignments that provide for premium payments where this process is used, provided that there is no other legitimate business reason to use another system.

f. Offer, to the extent possible, overtime assignments first to employees who volunteer, and then assign, on a rotating basis, among those employees who volunteered. In cases where there are no volunteers for overtime, all employees shall perform the work.

340-7. Personnel. 1. EMPLOYEE BENEFITS MANAGER. The employee benefits manager, who is the equivalent to the employee benefits administrator under s. 62.51, Wis. Stats., shall be subject to the direction and control of the director of employee relations.

2. SPECIAL DEPUTIES. The director of employee relations may appoint and designate special deputy directors from within the department of employee relations to act, without additional compensation, in his or her stead in specified matters. Each appointment shall be made in writing and filed with the city clerk and city comptroller. Each appointment shall set forth the specific acts each deputy is authorized to perform, and any authority given by appointment may be revoked or amended in the same manner. Within the scope of their specified authority, appointed deputies may perform all acts required by law of the director. The director shall be responsible for all acts of any appointed deputies.

340-9. Records. 1. AUTHORITY. The director of employee relations shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of the director's office. The director shall also serve as a legal custodian, under s. 19.33, Wis. Stats., for records of the director's office.

2. RELEASE OF INFORMATION. Except as may be required by state or federal law or authorized by an employee's written consent, the department of employee relations shall not disclose an employee's social security number to any person, organization or entity who is not an officer or employee of the city of Milwaukee acting within the scope of his or her employment.

340-11. Division of Labor Relations.

1. DIVISION CREATED. There is created a division of labor relations in the department of employee relations under the direction and control of the labor negotiator. Such division of labor relations shall be responsible for all labor negotiations between the city and its employees under s. 111.70, Wis. Stats., and such other labor and employee relations matters as may be related to the subject matter of that section.

2. DISPUTE RESOLUTION PROCEDURE. The labor negotiator or his or her designee shall act as the independent reviewer of a dispute filed under s. 340-3-2-c.

3. RELATIONSHIP TO COMMON COUNCIL. The labor negotiator shall perform his or her duties in close liaison with both the common council and the finance and personnel committees.

4. DEPARTMENTAL COOPERATION. Every department of city government shall cooperate with the labor negotiator to the end that he or she may discharge his or her duties and responsibilities as contemplated by this section; departments are directed to cooperate fully with the labor negotiator in this purpose.

5. DISCIPLINARY GRIEVANCE PROCEDURE.

a. General. The department of employee relations shall be the official agency for the settlement of grievances stemming from written warnings or unpaid disciplinary suspensions that are not appealable to the board of city service commissioners. The department shall establish and administer a procedure to hear disciplinary grievances.

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b. Eligibility. An employee who is not subject to the rules of the city service commission under s. 63.27, Wis. Stats., shall not be covered by this section, except in a case where the employee has attained regular status in a different civil service employment. A regularly-appointed employee, having passed probation, may use the grievance procedure established by the department when he or she receives a written warning or unpaid suspension of one to 15 days. Other disciplinary appeals shall be handled under the applicable rules of the city service commission.

c. Procedure. Employees and supervisors shall make all reasonable efforts to resolve any concerns, questions or misunderstandings that have arisen from the imposition of discipline before filing grievances. The labor negotiator shall conduct a final independent review of the circumstances of each disciplinary grievance and determine whether the disciplinary action was reasonable under the circumstances. The labor negotiator shall have the authority to either affirm, reduce or set aside associated disciplinary actions.

340-21. Central Safety Committee.

1. There is created a central safety committee, which is attached to the department of employee relations. The committee shall consist of members, and their alternates, if any, who shall be appointed by the following department heads:

| | Number of Representatives |
|--------------------------|--------------------------------------|
| a. Administration | 1 |
| b. Assessor's office | 1 |
| c. City attorney | 1 |
| d. City development | 1 |
| e. Employee relations | 1 |
| f. Fire | 2 |
| g. Harbor commission | 1 |
| h. Health | 1 |
| i. Library | 1 |
| j. Neighborhood services | 1 |
| k. Police | 1 |
| L. Public works | 9 |

2. The central safety committee may include, on an as-needed-basis, ad hoc members with expertise in certain safety-related areas.

3. The chairperson of the central safety committee shall be appointed by the director of employee relations.

340-23. Employee Safety. The department of employee relations shall:

1. Develop a city-wide employee accident prevention and control program for all departments and agencies under control of the common council.

2. Submit to the mayor and common council not later than February 20, and each quarter thereafter, an analysis of the employee accident and severity rates for all city departments and agencies as of the quarter ending the first day of the preceding month. The department shall include in such report, and at any intervening interval, recommendations on appropriate action necessary or advisable to be taken by the various departments, boards, commissions or agencies or by the mayor and common council to reduce such rates and to keep expenditures from the worker's compensation fund to the minimum.

3. Recommend at appropriate times:

a. Safety devices and practices to be used by departments and agencies under control of the common council.

b. Employee safety education programs.

c. Standards on which safety devices such as safety prescription glasses will be authorized.

4. Prepare the annual budget request for various commonly used safety devices as part of the department's total annual budget request.

For legislative history of chapter 340, contact the Municipal Research Library.

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