

SUBCHAPTER 9
GENERAL REGULATIONS

350-201. Appointment and Duties of Employees. All the officers and employees of the city of Milwaukee, unless now otherwise provided by law, the charter of the city of Milwaukee or by ordinances, or unless otherwise provided in these general ordinances, shall be appointed by the head or heads of the respective departments to which they belong and shall perform such duties outside of those prescribed by law and the ordinances of the city, as the rules of the department may provide and the head or heads thereof may direct.

350-203. Diversity, Equal Employment Opportunity and Affirmative Action.

1. **DECLARATION OF POLICY.** It is the policy of the city of Milwaukee to provide equal employment opportunities to all qualified persons without regard to their race, religion, color, age, disability, sex, national origin, sexual orientation, marital status, membership in the military reserves, creed, ancestry, arrest or conviction record, or use or nonuse of lawful products away from work. In adhering to this policy, the city complies with the Wisconsin Fair Employment Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, and other applicable statutes and regulations relating to equal employment opportunities. This policy represents the city's commitment to a nondiscriminatory work environment for all qualified applicants and employees. The city of Milwaukee is an employer which values the diversity of its employees.

2. **DEFINITIONS.** In this section:
a. "Affirmative action" means, in employment, the screening of position descriptions and selection criteria to ensure the use of appropriate, job-related requirements; comprehensive and inclusive advertising and recruiting efforts; special or targeted recruiting in addition to traditional methods; training plans and programs, including on-the-job training; and gender-neutral and culturally bias-free criteria to be used when making employment decisions relating to recruitment, hiring, performance evaluation, promotion, transfers, training opportunities, compensation and other terms and conditions of employment and termination.

b. "Diversity" means, in addition to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, an infinite range of individuals' unique characteristics and experiences, such as communication styles, career, work, life experience, educational backgrounds and other variables. Diversity focuses on tapping the talents of people of different backgrounds, experiences and perspectives as a means of improving the workplace environment and productivity. Diversity awareness works to create an environment that recognizes values and utilizes the unique skills and abilities of all employees. The goal of diversity awareness is to create an inclusive, respectful and equitable work environment.

c. "Equal employment opportunity" means the equal and fair treatment of all qualified applicants and employees with regard to city employment practices, including, but not limited to, recruitment, selection, hiring, training, promotion, compensation, benefits, transfers, discipline, terms and conditions of employment, and layoffs.

3. **OFFICE OF DIVERSITY AND OUTREACH.** There is established, under the direction of the employee relations director, an office of diversity and outreach for the purpose of promoting the importance, benefit and necessity of maintaining diversity within the city's workforce and ensuring compliance with applicable policies, ordinances, statutes, laws and executive orders. The office of diversity and outreach shall have other duties pertinent thereto, including but not limited to:

a. Reviewing and assisting the development of diversity, equal employment opportunity, affirmative action plans of the various city departments to ensure that each plan is consistent with the overall city plan.

b. Maintaining statistics, which include, but are not limited to, the proportion of underrepresented group members at all levels and job classifications in the city's workforce and the availability of qualified underrepresented group members in the labor force of the relevant labor areas. The statistics shall indicate how each group has been affected by new hires, training opportunities, promotions and discipline.

c. Counseling employees, managers and others about diversity, equal employment opportunity and affirmative action issues in the workplace.

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d. Facilitating diversity related training programs and workplace mediation.

e. Receiving and investigating complaints of discriminatory employment practices, workplace violence, or of harassment in the workplace from city employees. If an investigation discloses a violation has occurred, the diversity and outreach officer shall work with department heads and managers to implement corrective action and resolve the situation.

f. Receiving and investigating complaints filed with the city equal rights commission regarding any resident who believes that he or she has been discriminated against in employment or housing within the city.

g. Receiving and investigating complaints filed with the fire and police commission regarding any citizen who believes he or she has been treated by an employee of the fire or police department in a manner that violates fire and police commission or departmental rules.

h. Identifying and maintaining comprehensive and effective recruitment methods that promote a diverse workforce.

i. Monitoring results of police and firefighter training, with emphasis on female and minority recruits.

j. Participating in performance examinations, job fairs, and police aide and fire cadet recruitment activities at high schools and other locations.

k. Working through a comprehensive community relations effort and public information program to enhance the image of the fire and police service.

L. Reviewing all state of Wisconsin and federal laws, rules and regulations concerning equal employment opportunities to ensure compliance.

4. DIVERSITY AND OUTREACH OFFICER. The diversity and outreach officer shall, under the direction of the employee relations director, manage the day-to-day operations of the office of diversity and outreach; perform complaint intake functions; investigate complaints; serve as the city's Americans with Disabilities Act coordinator; ensure compliance with applicable ordinances, statutes, laws and executive orders; have responsibility and authority for the development and implementation of a comprehensive diversity, equal employment opportunity and affirmative action plan for the city; and function as the liaison between the fire and police departments, the fire and police commission, the media and the community.

5. DEPARTMENT DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLANS. Each city department shall submit a diversity, equal employment opportunity and affirmative action plan every 2 years. The office of diversity and outreach shall provide guidelines and a time line for submitting the plans.

6. CITYWIDE DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN.

a. The department of employee relations shall incorporate the individual departmental plans into a citywide diversity, equal employment opportunity and affirmative action plan that shall be submitted to the city service commission. This plan shall be prepared every 2 years.

b. Upon approval by the city service commission, the plan shall be submitted to the mayor and common council. Upon adoption, the plan shall be distributed to all city department heads.

7. IMPLEMENTATION.

a. Recruitment. The department of employee relations shall practice comprehensive and inclusive advertising and recruiting efforts, which may include special recruiting targeting previously underrepresented groups, in addition to traditional recruiting methods.

b. Training. The department of employee relations shall develop training plans and programs, including on-the-job training, designed to develop the knowledge, skills and abilities essential for developing each employee's fullest potential. The department of employee relations shall develop and provide relevant training to increase employees' knowledge and awareness of laws and regulations, as well as the city's policies relating to diversity, equal employment opportunity and affirmative action and respecting diversity in the workplace.

c. Testing, Selection, Placement and Promotion. The department of employee relations shall review city testing, selection, placement and promotion policies to ensure that they comply with applicable laws and regulations relating to equal employment opportunities.

8. ACCOUNTABILITY AND REPORTS. The department of employee relations shall be responsible for the successful implementation and coordination of the citywide diversity, equal employment opportunity and affirmative action plan. In turn, each department head shall be accountable for the successful

implementation of their departmental diversity, equal employment opportunity and affirmative action plan.

350-204. Direct Deposit for City Employees.

Each employee who is capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

350-205. Flexible Spending Account.

1. ESTABLISHED. There is established a flexible spending account program for city employees. The plan shall enable employees to fund with pre-tax dollars employee and dependent costs associated with coverage under existing city health and dental programs, a health care flexible spending arrangement and a dependent care assistance flexible spending arrangement. The plan shall be an eligible plan under sec. 125 of the internal revenue code. The plan shall be by specific written master agreement and salary reduction agreements executed by eligible employees which shall provide for reduction of such amount of compensation from employees' wages as is authorized by employee and the city for expenditure in accordance with the plan.

2. ELIGIBILITY. City employees eligible for benefits shall be eligible for participation in the flexible spending account plan. In order to participate, employees must file a written election.

3. ADMINISTRATION. The plan shall be administered under the supervision of the department of employee relations. The master agreement governing the plan shall be approved by the common council. The treasurer shall be the custodian of funds held by the city under the plan. The city may contract with a third party administrator and any such agreement shall be subject to common council approval.

350-206. Tuition Benefits; All Employees.

Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be eligible for tuition benefits relating to tuition and required textbooks. Tuition benefits shall be \$1,200 per calendar year. The following provisions apply:

1. Up to \$600 of tuition benefits per calendar year may be used for job or promotion-related certifications and license fees.

2. Up to \$1,200 in tuition benefits per calendar year may be used for job-related membership dues.

3. Police aides shall be eligible for a combined maximum of \$2,400 during the first 2 calendar years of employment.

4. The department of employee relations shall establish guidelines for the administration of tuition benefits.

350-207. Bonds for Officers and Employees.

1. CITY TREASURER AND DEPUTY. Before entering upon the duties of their respective offices, the city treasurer and the deputy city treasurer shall each be covered by corporate surety bonds in the amount of \$200,000 executed to the city of Milwaukee. The bonds shall be official bonds subject to ch. 19, Wis. Stats. The common council, by resolution, may require that the said officers be covered by new and additional bonds and may remove either or both of them from office for failing to be covered by proper bonds. The cost of the bonds shall be paid by the city.

2. OTHER OFFICERS AND EMPLOYEES. Pursuant to s. 3-22 of the city charter, the common council, by resolution, may require that other officers and employees be covered by faithful performance or honesty type bonds, either in individual form or under a blanket bond, or both, and may remove any of them from office for failing to be covered by proper bonds. The cost of such bonds shall be paid by the city.

3. APPROVAL. All bonds shall be approved as to form and execution by the city attorney.

350-209. Hours of Labor of City Employees.

1. WORKDAY. Department heads shall determine hours of work, but the basic workday of all employees of the city shall consist of 8 hours in a calendar day. As far as it is practicable this workday shall conform with the established hours of business. This conformity shall not interfere with the special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8 hour day for city employees be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

2. WORK WEEK. The service week of every employee or officer of the city shall be limited to 5 days' employment or duty per week except in cases where such reduction would conflict with some legal requirement. This in no way prohibits a department head from establishing an alternative work schedule. So far as is practicable the days on which employees and officials shall not be required to work shall be Saturdays and Sundays in order to provide uniformity and an opportunity to take advantage of

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the economies of a complete shutdown of city activities. If the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employee shall be entitled to time-off during such periods as the department head may designate.

3. ALTERNATIVE STAFFING MODELS. Department heads, in conjunction with the department of employee relations, shall develop alternative work arrangements suited to departmental operations and employees' personal needs. Such alternative work arrangements shall be approved at the discretion of the appointing authority and may include, but are not limited to, alternative work schedules, flexible schedules, job sharing, part-time employment and tele-commuting. The department of employee relations shall be responsible for developing city-wide guidelines and administrative procedures regarding alternative work arrangements. Appointing authorities shall consider the extent to which such arrangements support and enhance departmental efficiency, productivity and services to the public. The department of employee relations shall submit an annual report regarding alternative staffing arrangements each June as a communication to the finance and personnel committee.

350-210. Severe Weather Emergency Policy. City employees shall make every effort to report to work every day and to serve the public including during severe weather conditions. However, when severe weather conditions create the potential of endangering the general health and safety of city employees, their families, and the public, the mayor, in consultation with the commissioner of public works and the commissioner of health, may declare a severe weather emergency. The declaration shall authorize department heads to make operations and service-delivery determinations concerning hours of operations, work activities and assignments in anticipation of or during the severe weather emergency.

1. POLICIES. The director of employee relations shall issue policies and guidelines for employees and for the treatment of employee absences during a severe weather emergency as declared by the mayor.

2. RECORD KEEPING. The city comptroller shall develop and establish record-keeping practices for payroll and related functions to ensure compliance with the policies specified in this section and other applicable federal and state regulations.

350-211. Political Activity Prohibited. 1. BY DEPARTMENTS, BOARDS, ETC. The heads of city departments, bureaus, boards and commissions or any member of their respective departments, bureaus, boards and commissions, in their official capacities, are prohibited from recommending any changes or amendments of the laws of the state of Wisconsin to the legislature of the state of Wisconsin, or to any committee of the legislature, or to any member of the state legislature of the state of Wisconsin, or from recommending to the Wisconsin department of safety and professional services, or to any employee of Wisconsin department of safety and professional services any changes in the Wisconsin state building code adopted by the department in discharge of its duties under ch. 101, Wis. Stats., without first submitting to the common council any changes or amendments of the laws of the state of Wisconsin or of the state building code, and obtaining the approval of and a directive from the common council.

2. PENALTY. Willful violation of this section by any officer or employee shall be considered a cause for discharge, suspension or demotion subject to the law and rules regulating such actions.

350-213. Defense of City Officials and Employees. 1. TO DEFEND CIVIL ACTIONS. The city attorney is authorized to defend civil actions brought against any officer or employee of the city, or of any board or commission thereof, growing out of any acts done in the course of his employment or out of any alleged breach of his duty as such officer or employee, excepting action brought to determine the right of such officer or employee to hold or retain his office or position, and excepting also actions brought by the city against any officer or employee thereof.

2. CITY ATTORNEY LIABILITIES. Nothing contained in this section, nor any action taken by the city attorney pursuant to the provisions hereof, shall be construed to impose any liability, either for costs, damages or otherwise, upon the city or the city attorney, nor to obligate the city or city attorney to pay any cost or expenses in conducting the defense of any such action, it being the intention merely to authorize the city to furnish legal services to its officers and employees in the case mentioned without incurring any other or further obligations.

350-215. Photographs of Property. Every officer or employee of the city who is about to cause to be taken any photograph of property in

connection with any public work shall consult with the city attorney relative to those to be taken if it is apparent that the property or project may be involved in litigation.

350-217. Refusal to Pay Judgment; Employee to be Discharged. Every officer, clerk, assistant or employee of the city who shall refuse and neglect to pay and satisfy any final judgment rendered against him in a court of justice for any debt incurred or contracted by him for and during his appointment and employment as such officer, clerk, assistant or employee, shall be discharged from the service of the city. It shall be the duty of the chiefs of the several departments to discharge every officer, clerk, assistant or employee serving in their respective departments upon any information duly filed with them, verified by the affidavit of the person or persons making the same, setting forth the facts, and that the said officer or employee made default in the payment of such judgment or judgments or any part thereof, as the case may be; provided, that no such officer, assistant, clerk or employee shall be compelled to pay in any one month on account of such judgment or judgments a larger sum than 1/3 of the amount of the monthly salary of compensation he receives from the city; and, provided further, that the provisions of this section shall not apply to any officer or employee of the city who shall pay or cause to be paid every month 1/3 of his monthly salary or compensation until such judgment or judgments shall be fully paid and satisfied.

350-219. Participation in Governmental, Professional, Technical and Community Organizations.

1. POLICY. City employees are encouraged to participate in governmental, professional, technical and community organizations for purposes of performing public service and to enhance their job performance and thereby improve the efficiency of city operations.

2. GOVERNMENTAL ACTIVITIES. City department, division and bureau heads shall grant time off with pay up to 32 hours per year to employees appointed or elected to city, county, state or federal boards, commissions or committees for official meetings and functions of such bodies during regularly scheduled working hours. Time off with pay shall be granted only if the employee gives 48 hours notice requesting time off for such activities. Employees may be permitted additional time off with pay beyond 32 hours per year for attendance at meetings for the purpose of carrying out the business of a board,

commission or committee or for attending conferences necessary to the efficient discharge of the duties and responsibilities of a board, commission or committee if approved of by the finance and personnel committee upon receipt of a written request from a board, commission or committee requesting such additional time off with pay for an employee. Overtime pay as provided under this chapter shall be allowed if participation on the board, commission or committee is an extension of the employee's regular job.

3. NONGOVERNMENTAL ACTIVITIES AND PARTICIPATION IN VOLUNTEER ACTIVITIES. The department shall establish a volunteer time-off program, develop and implement guidelines for volunteer activities, and provide guidance and direction to city departments concerning the program. A city department, division, or bureau head may grant up to 32 hours of time off with pay per year to employees to attend meetings of governmental, professional, technical or community organizations. Up to 8 of the 32 hours may be used for non-city sponsored volunteer activities through the program. Permission shall be in writing and shall be granted only if the employee gives 48 hours' notice requesting time off for such activities. No overtime pay shall be allowed for such activities.

350-221. Identification Badges.

1. BADGES TO BE WORN. a. By City Employees. All city employees other than members of the police force who enter residences or business places in the city for the purpose of performing inspections or other related services shall be required as a condition of obtaining access to such residence or business to wear an identification badge bearing the photograph, name and/or employee number and that such person be designated as an employee of the city. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of such employee inspection or other related duties. This section shall not apply to inspectional personnel of the health department while in performance of job duties which require anonymity.

b. By Public Utility Employees. All employees of public utilities, as such term is defined in s. 196.01, Wis. Stats., who enter residences or business places in the city for the purpose of performing either inspectional service, or in the performance of any duty relating to the operation of such public utility or for the purpose of checking or installing any facility or appliance for which service is provided or is required to be

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provided by such public utility, shall be required as a condition of obtaining access to such residence or business to wear an identification badge which bears a photograph, name and/or employee number that such person be designated as an employee of a particular public utility. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of the acts referred to in this section.

2. PENALTY. Any person found guilty of violating sub. 1 shall be punished by a fine of not less than \$25 nor more than \$50.

350-223. Civil Service in City Attorney's Office.

1. CIVIL SERVICE STATUS. Pursuant to s. 63.29, Wis. Stats., all persons employed as attorneys in the office of the city attorney, except the city attorney and deputies of the city attorney, shall be hired subject to all city civil service provisions.

2. DEPUTY CITY ATTORNEYS. There are created 4 positions of deputy city attorney who shall be appointed by the city attorney and such positions shall not be under civil service, and the city attorney shall be responsible for all the acts of the deputy city attorneys. The deputy city attorneys may be selected from among the assistant city attorneys in the office of the city attorney, and, if so selected from among that group, while serving as deputy city attorneys, they shall retain their civil service status and tenure as former assistant city attorneys as provided for in this section. The deputy city attorneys shall be required to take the oath of office as provided in the charter and may perform all duties and have all responsibilities required of the city attorney by law.

350-229. Rotative Employment System.

1. ESTABLISHED. The city service commission is authorized and directed, subject to approval by the common council, to establish a system of rotative service, rotative lay-offs, staggered employment, furloughs without pay, shortened work days, and part time work for all positions in the classified service of all departments, bureaus, boards and commissions where there has been staff reduction due to budget reductions or operating economies and where there are several persons holding positions of the same title or positions in which the duties may be performed efficiently by persons having different titles in the judgement of the head of the department, bureau, board or commission, and of the city service commission.

2. AUTHORITY. The city service commission shall establish such systems upon the request of the common council, or upon the request of the head of the department, bureau, division, board or commission, and after a public hearing, notice of which shall be given to all employees who might be affected by the decision. A full statement of any action of the commission in exercising this authority, together with a list of the positions and employees affected, shall be included in its minutes. The commission is also authorized to revoke or modify its action in the same manner as it was originally exercised.

3. SERVICE RATING, ETC. Nothing in this section shall be construed to prevent the establishment of a system of service ratings, or to limit the right of discharge, suspension, discipline or appeal.

4. COMPENSATION, ETC. Incumbents of positions placed upon a rotative, part time, shortened work day or staggered schedule of work, the compensation of which is fixed by ordinance or resolution upon a daily, monthly or annual basis, shall be paid a proportionate share of such salary or wage.

350-231. Application of Specifications for Personnel Service. The specifications for personnel service shall apply to all authorized offices and employment in the departments, bureaus, institutions, boards and commissions of the city government under control of the common council, and shall supersede all grouping of employment inconsistent therewith and shall be applied subject to the conditions and regulations included in ss. 350-112, 350-114, 350-231 to 350-235, 350-241 and 250-243.

350-233. Extent of Application for Specifications for Personnel Service. The specifications for personnel service shall apply in their entirety to all offices and employments in the city service to be filled after this chapter takes effect and shall not affect present civil service employees except as herein provided. The specifications for personnel service shall not in themselves be construed to define, or prescribe the organization or procedure under which employees shall work, or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

350-235. Request for New Positions. 1. TO BE SENT TO CITY SERVICE. All departmental requests for new positions or of proposed changes

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in the standard specifications affecting existing positions shall be sent by the department head to the city service commission before submission to the common council. In such requests the department head shall set forth clearly the duties, qualifications and other matters affecting the classification, title, grade and compensation and the necessity for the creation of the new position or of such changes affecting the existing position.

2. TO BE INVESTIGATED. Upon receipt of such statement the city service commission shall promptly investigate and determine whether the position is in fact new or whether the changes so far as they affect the classification, title, duties and qualifications and compensations of the existing position are in accordance with the standard specifications for personnel service and the civil service law, rules and regulations. No office or employment shall be considered new unless the duties thereof are found by the city service commission to be substantially different from those of every other existing position in the city service.

3. COMMISSION TO SUBMIT REPORT. The city service commission shall submit a report to the common council of its approval or disapproval and indicate the purposes of the changes as they affect the classification, title, duties and qualifications of the position, and so far as they affect changes in the civil service compensation grade, which has been established only as a guide for the new position or the existing position. When the commission shall find any office or employment to be in fact new or shall find the requested changes affecting any existing position to be in accordance with the standards in the specifications for personnel service and the civil service rules and regulations, the commission shall classify such position under the appropriate service, grade and title provided in the specifications for personnel service. The standard titles shall be used to designate the position in all reports to and records of the city service commission and in all payrolls or accounts of salaries and wages submitted to the commission for check and certification as to legality of employment and to the city comptroller and treasurer for payment.

350-237. Exclusion from Benefits.

1. DEFINITIONS. In this section:
a. "Half-time employee" means an employee whose hours of work are established at 20 hours per week or less.

b. "Less than half-time employee" means an employee whose hours of work are established at less than 20 hours per week.

c. "More than half-time employee" means an employee whose hours of work are established at more than 20 hours, but less than 40 hours per week.

d. "Provisional, emergency and temporary appointments" are as defined in the city civil service rules.

2. BENEFITS EXCLUDED.

a. A permanent employee who is eligible for benefits and receives a provisional, emergency or temporary appointment shall not lose rights to any employment benefits.

b. Except as specifically provided, any individual who is hired on a provisional, emergency or temporary appointment, student aide, volunteer auxiliary police officer or less than a half-time employee shall not be eligible for the following employment benefits:

- b-1. Vacation with pay.
- b-2. Additional off-days with pay.
- b-3. Sick leave with pay.
- b-4. Funeral leave with pay.
- b-5. Injury pay.
- b-6. Holiday pay.
- b-7. Holiday differential pay.
- b-8. Shift differential pay.
- b-9. Jury duty with pay.
- b-10. Military training and civil disturbance leave of absence with pay.
- b-11. Medical and dental benefits.
- b-12. Group life insurance.
- b-13. Voluntary benefits.
- b-14. Paid parental leave.
- b-15. All other benefits not specifically listed in this section.

c. Employees with job titles contained in the city salary ordinance, part 1, section 9: hourly, part-time, intermittent, shall not be eligible for any benefits.

3. BENEFITS PROVIDED.

a. Those employees listed under sub. 2-b shall be eligible for certain employment benefits as provided for in other code provisions or state statutes.

d. More than half-time and half-time employees shall be eligible for the following employment benefits on a pro rata basis and only during the period of actual employment:

- d-1. Vacation with pay.
- d-2. Holiday pay.
- d-3. Sick leave with pay.
- d-4. Funeral leave.

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- d-5. Sick leave incentive program.
- d-6. Jury duty with pay.
- d-7. Tuition and textbook reimbursement.
- d-8. Miscellaneous unapplied time under s. 350-37-1-b.

4. APPLICATION AND ADMINISTRATION.

a. An employee on the payroll prior to January, 1966, shall not lose any of the benefits provided to that employee, except that an employee, regardless of his or her date of placement on the city's payroll, who attained status in the city's central clerical pool on or after December 30, 1973, shall not be entitled to any of the employment benefits listed in sub. 2, as long as he or she retained status in the clerical pool. In addition, if any employee with status conferred via the clerical pool receiving the benefits specified in sub. 2 because he or she meets the criteria set forth in sub. 2 ceases to qualify for benefits according to sub. 3, that employee shall under no condition be eligible to receive benefits.

b. The department of employee relations shall administer the provisions of this section.

c. No provision of this section shall be construed to prevent elected and appointed city officers from accruing all benefits, including sick leave, but excluding salary increments, listed in subs. 1 and 2 from which they are not otherwise excluded by state statute, and these officials shall accrue benefits in a like manner as all other city employees who are eligible for those benefits, and the terms of office of these officials shall be deemed as periods of employment with the city for accrual of benefits.

d. The director of employee relations is authorized to accept a statement from elected or appointed city officers concerning sick leave usage and balance as needed to determine sick leave accruals.

e. Elected and appointed city officers, and former elected and appointed city officers who are employees of the city, are covered by this section.

f. Employees hired on or after July 1, 1982, to fill the positions of temporary customer service representative and accounting aide in the office of the city treasurer, shall not receive any employment benefits listed in sub. 3 regardless of their previous employment status in the city service. Employees in the city treasurer's office who had previously worked in these positions prior to July 1, 1982, shall retain their benefits status.

350-239. Promotion from Grade to Grade. Promotion from one grade to the next higher grade of positions in the classified civil service shall involve a change of duties and shall be made only when a vacancy has been created by resignation, transfer, death or dismissal, or when a new position shall have been created.

350-242. Nature of Employee Regulations and Benefits. Except to the extent that the city provides otherwise in a collective bargaining agreement lawfully entered into pursuant to the Wisconsin municipal employment relations act, none of the provisions in ch. 350 of the code are intended to give rise to or create, and none of the provisions in ch. 350 should be construed by any individual employee or any group of employees as giving rise to or creating, any contractual rights or any vested rights or interests of any kind whatsoever, and all such provisions are subject to modification or revocation by the common council at any time.

350-243. Relocation Expense Reimbursement. City departments may pay relocation expenses on a reimbursement basis from their budgets for non-local candidates selected for department head, deputy department head or other city positions for which recruitment outside the local area is required in order to attract a representative pool of well-qualified candidates provided:

1. This decision is based on the quality of that candidate versus the local candidates being considered and whether the individual's acceptance of the position is contingent upon payment of relocation expenses.

2. Such expenses are a cost of filling a position vacancy and may be financed from vacancy savings or other savings in departmental budgets.

3. The allowable reimbursement for relocation expenses shall not exceed 10% of the midpoint of the salary range of the person being hired.

4. The payment is appropriate and necessary and made in accordance with appropriate procedural guidelines developed by the department of employee relations and approved by common council resolution.

5. The department of employee relations, with the concurrence of the chair or vice chair of the finance and personnel committee, authorizes payment of relocation expenses.

6. That requests for payment of relocation expenses are made no later than 90 days after the actual move of the person being hired.

7. That requests for payment of relocation expenses are sent to the director of employee relations who shall forward them to the chair or vice-chair of the finance and personnel committee.

350-244. Relocation Expense Reimbursement for Nursery Manager. The department of public works may make a relocation expense reimbursement to any employee of the department who is promoted to or hired for the position of nursery manager and is required to live at the city nursery as a condition of his or employment. The payment of the relocation expense reimbursement shall be in accordance to the conditions specified under s. 350-243-2 to 7.

350-245. Domestic Partnership Registration.

1. **REGISTRATION AUTHORIZED.** Any 2 individuals, one or each of whom is a city employee, who meet the requirements of this section may register as a domestic partnership as provided in this section.

2. **APPLICATION.** Individuals who seek to register as a domestic partnership shall appear in person in the department of employee relations and complete and sign an application form provided by the department, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

3. **DECLARATION OF DOMESTIC PARTNERSHIP.** Applicants for registration shall sign a declaration of domestic partnership stating that they:

- a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.
- b. Are 18 years of age or older and competent to enter into a contract.
- c. Are not married.
- d. Are not related by kinship to a degree that would bar marriage in this state.
- e. Reside together in the city.
- f. Have not been in a registered domestic partnership with another individual during the 12 months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.

4. **ADDITIONAL AGREEMENTS.** In addition, applicants shall agree that they:

- a. Understand that their registration as domestic partners is a matter of public record.

b. Agree to notify the department of any change in the status of the domestic partnership and to file a termination notice when appropriate.

5. **CONDITIONS OF DOMESTIC PARTNERSHIP.** The applicants shall declare that they possess at least 3 of the following conditions of domestic partnership:

- a. They have common or joint ownership of a residence.
- b. They have a current lease for a residence identifying both applicants as tenants.
- c. They jointly own a motor vehicle.
- d. They have a joint bank or credit union account.
- e. They have a joint credit account.
- f. They have identified each other as primary beneficiaries in their wills.

6. **AFFIRMATION.** Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.

7. **VERIFICATION.** The department shall verify the age, identity and city residence of applicants for domestic partnership. The department may require such reasonable documentation as may be necessary to verify the claims made by those seeking to register a domestic partnership. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the department of the death or marriage.

8. **TERMINATION.** A domestic partnership is terminated by any of the following:

- a. The death of one of the partners.
- b. The marriage of one of the partners.
- c. The filing of a termination statement.

Either domestic partner may terminate a domestic partnership by submitting to the department a termination statement on a form provided by the department. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

9. **RE-REGISTRATION.** An individual whose domestic partnership has been terminated under sub. 8 may not file another declaration of domestic partnership under this section until at least 12 months after the date on which the department received the termination statement.

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10. PRIOR REGISTRATIONS. Any individuals registered under s. 111-3-10, in effect prior to October 30, 2009, shall be considered registered under this section and subject to its requirements.

11. INTENT. This section is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., or ch. 770, Wis. Stats., relating to domestic partnership, apply to domestic partnerships registered under this section.

350-247. Fraud, Waste and Abuse Hotline.

1. PURPOSE AND INTENT.

a. The purpose of this section is to establish a mechanism for city employees and members of the general public, in good faith, to report alleged fraud, waste or abuse in city operations by city employees or officers of the city, thereby minimizing financial loss and potential adverse effects on the city. The fraud, waste and abuse hotline seeks to ensure integrity, accountability and public trust through timely investigation and resolution activities, followed by the initiation of appropriate steps to design and implement preventative measures in response to allegations received.

b. It is the intent of the city to protect city employees who lodge good-faith complaints through the fraud, waste and abuse hotline from retaliation, or by keeping the reported information confidential on a need-to-know basis to the extent allowed by the law.

2. DEFINITIONS. In this section:

a. "Abuse" means the improper use of city resources in a manner contrary to law, city policy or work rules, or the improper use of one's position for private gain or advantage for himself or herself or any other person.

b. "Fraud" means any intentional act or omission for personal gain designed to deprive the city of its resources or assets to which the individual or person is not entitled.

c. "Waste" means the careless expenditure of city funds or resources above and beyond the level that is reasonably required to meet the needs of the city, or the consumption or use of city resources that is not authorized.

3. CREATION. There is created a city fraud, waste and abuse hotline administered by the internal audit division of the city comptroller's office.

4. SCOPE. a. The hotline shall receive complaints involving the fraud, waste or abuse of city resources, including the following:

a-1. Illegal acts, such as theft, fraud, kickbacks, bribes, price-fixing or conflicts of interest, by city employees, or contractors or their employees.

a-2. Misuse or abuse of city property or resources, including city buildings, vehicles or equipment, or city time by employees.

a-3. Improper use of one's authority.

a-4. Gross misconduct, such as reckless disregard for the safety of others, or attempts to financially defraud the city, falsification of documents or other forms of misrepresentation.

a-5. Inefficiency of city employees.

b. The hotline shall not receive complaints concerning improper activities by or against individuals who are not employed by, volunteering for or contracting with the city.

5. INTERNAL AUDIT; INVESTIGATION

a. The internal auditor within the comptroller's office shall be responsible for the hotline.

b. The internal audit division shall receive, track and investigate or refer for investigation complaints received by the hotline. The investigation may include all steps that the internal auditor deems appropriate, including the review of a complaint, any documentary or other evidence provided with it, the gathering of any other relevant documents from any city department or other source, and interviews of the complainant and other persons with relevant information.

c. The internal auditor may refer the complaint, excluding a complaint of employee misconduct, to a city department for investigation or conduct the investigation when appropriate. The audit division may recommend that a department take a specific action based on the internal auditor's initial investigation. Within 60 days of receiving a complaint for investigation or recommendation by the internal auditor for a specific action, or such other time the internal auditor may specify, the department shall report to the internal auditor in writing the results of the department's investigation and any action that the department has taken, including actions taken in response to a recommendation by the internal auditor.

d. The internal auditor shall refer reports of individual employee misconduct to the appointing authority.

6. ADMINISTRATION. a. All city employees and officers shall report any instances of suspected fraud, waste or abuse or other illegal acts upon becoming aware of such suspected activities or issues within city government.

b. The city shall maintain a telephone hotline number, website and electronic mail (e-mail) address, providing any employee, vendor or member of the public the ability to anonymously and confidentially report any suspected fraud, waste, abuse or illegal behavior.

c. The working audit papers of the internal audit staff concerning fraud, waste or abuse shall be confidential.

d. The internal auditor shall keep all information confidential while an active investigation is being conducted. When an investigation results in a criminal indictment or arrest, it shall be considered active until disposed of by the judicial system. This shall not be constructed to limit those conducting an actual investigation from revealing or discussing information as necessary to facilitate the investigation.

e. Nothing in this section shall be construed to limit, discourage or prevent employees from reporting inappropriate or illegal activities directly to their supervisors, managers, department heads, personnel officers, the department of employee relations, the internal audit division or local law enforcement.

7. EMPLOYEE PROTECTION.

a. Employees shall be protected from being disciplined, discharged or subjected to threats, or otherwise discriminated against in retaliation for bringing forth, in good faith, charges of fraud, waste or abuse, or other unlawful conduct in violation of any city policy, directive or code provision by any employee, official, appointee, contractor or vendor of the city when the report of fraud, waste or abuse is the sole cause of the retaliatory action.

b. Good faith shall be established if an employee has a reasonable belief that an employee, official, appointee, contractor or vendor of the city is engaged in fraud, waste, abuse or other unlawful conduct in violation of a city policy, directive or code provision.

c. An employee who knowingly, or with reckless indifference to the truth, makes a false report may be subject to disciplinary or legal action.

d. An employee who believes he or she has suffered retaliation for filing a complaint with the hotline shall file a detailed report within 30 days from the date of the alleged retaliatory action. The report shall be filed with the internal auditor and the director of employee relations. The written report shall include all the relevant facts concerning the alleged retaliatory action, including:

d-1. The name and work address of the complainant.

d-2. The name and title of each city employee against whom the complaint of retaliation is made.

d-3. The specific type and date of retaliation.

d-4. A statement as to the facts that form the basis of the complaint of retaliation.

d-5. A statement of the complainant's explanation of how his or her reported allegation of fraud, waste, abuse or other unlawful conduct or participation in an investigation, proceeding or hearing is related to the investigation.

e. Complaints of retaliation by city employees shall be investigated by the department of employee relations. If an investigation discloses a violation has occurred, the department of employee relations shall work with department heads and managers to implement corrective action and resolve the situation as provided in s. 350-203-3-e.

f. Nothing in this section implies an intention by the city to alter or change any employee's employment status or to create a private legal claim or cause of action concerning any complaint of retaliation.

8. REPORT. The internal auditor shall submit an annual report to the common council which shall include:

a. The number of complaints received.

b. The types of complaints received.

c. The number of referrals to the department of employee relations or other city departments.

d. The number of investigations conducted by the internal audit division.

e. Findings or recommendations on policies and practices resulting from investigations.

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For legislative history of chapter 350, contact the Municipal Research Library.

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