

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 3**

**SUMMARY**

This supplement incorporates changes to Volume 3 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

191281      A substitute ordinance relating to the responsibilities and authority of the department of employee relations.

<b><u>Section Affected</u></b>	<b><u>Action</u></b>	<b><u>File Number</u></b>	<b><u>Effective Date</u></b>	<b><u>Remove Pages</u></b>	<b><u>Add Pages</u></b>
<b>Remove <u>old</u> MEMO (Suppl. #313)</b>					
				i-ii v-vi 701-704	i-ii v-vi 701-704
340-1-3	am	191281	3/20/2020		
340-1-4	rc	191281	3/20/2020	"	"
340-3-2-a	am	191281	3/20/2020	"	"
340-3-2-c	rc	191281	3/20/2020	"	"
340-3-2-d	rc	191281	3/20/2020	"	"
340-3-3-c	rc	191281	3/20/2020	"	"
340-3-3-d	rc	191281	3/20/2020	"	"
340-3-3-e	cr	191281	3/20/2020	"	"
340-3-3-f	cr	191281	3/20/2020	"	"
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340-11-4	am	191281	3/20/2020	"	"
340-11-5	cr	191281	3/20/2020	"	"
Ch. 340 History				"	"
Ch. 350 Table				901-902	901-902
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For subscription or distribution questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code of Ordinances contact the Municipal Research Library, (414) 286-2297.

**Abbreviations:**

**am=amended  
cr=created**

**ra=renumbered and amended  
rc=recreated**

**rn=renumbered  
rp=repealed**



**CITY OFFICIALS**

**2016 to 2020**

**Mayor**  
Tom Barrett

**Council President**  
Ashanti Hamilton

**The Common Council**  
(By Aldermanic District)

1. Ashanti Hamilton
2. Cavalier Johnson
3. Nik Kovac
4. Robert J. Bauman
5. Nikiya Dodd
6. Milele A. Coggs
7. Khalif Rainey
8. Robert G. Donovan

9. Chantia Lewis
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Scott Spiker
14. Tony Zielinski
15. Russell W. Stamper, II

**City Clerk:** Jim Owczarski  
**Deputy:** Jessica Ceella

**City Attorney**  
Grant F. Langley

**City Comptroller**  
Martin Matson

**City Treasurer**  
Spencer Coggs

**Municipal Judges**

Branch 1  
Valarie Hill

Branch 2  
Derek Mosley

Branch 3  
Phil Chavez

## PREFACE

In 1989, volume 3 of the Milwaukee Code of Ordinances was printed in its current format of an updatedable looseleaf format. As changes to these ordinances are passed by the Common Council, the Legislative Reference Bureau will issue replacement pages for this book. Thus, it can be a current and reliable resource to its users.

Volume 3, which contains chapters numbering 301-399, contains administrative ordinances which pertain to the organization and operation of Milwaukee's city government. Other looseleaf volumes include Volume 1 (Regulatory Ordinances), Volume 2 (Building and Zoning Code), and the City Charter.

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

Chapter	Section	Subsection	Paragraph	Subdivision	Subparagraph
70	10	3	a	4	b

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

Keith Broadnax, Manager  
Legislative Reference Bureau  
January 2019

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through March 3, 2020.

Revised 3/3/2020  
Suppl. #314



**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.

### 340-7 Department of Employee Relations

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.** 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.

**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.

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.

**Department of Employee Relations 340-21**

**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:

	<b>Number of Representatives</b>
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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**CHAPTER 350  
EMPLOYEE REGULATIONS AND BENEFITS**

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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 benefits.
- b-12. Group life insurance.
- b-13. 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.

b. City laborers who have not completed 2,080 hours of employment shall be eligible for the following employee benefits upon appointment:

- b-1. Salary increments.
- b-2. Overtime in cash or compensatory time-off.
- b-3. Workers' compensation.

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b-4. Pay during time-off for military induction examinations.

b-5. Call-in pay.

b-6. Medical benefits.

b-7. Vacation pay. Employees may take vacation time earned after working 2,080 hours.

c. City laborers shall become eligible for the following additional employment benefits after completing 2,080 hours of work:

c-1. Sick leave with pay. The 6-month waiting period shall be waived.

c-2. Injury pay.

c-3. Holiday pay.

c-4. Shift differential pay.

c-5. Weekend differential pay.

c-6. Jury duty with pay.

c-7. Military training leave of absence with pay.

c-8. Dental insurance.

c-9. Group life insurance.

c-10. Retirement benefits.

c-11. Sick leave incentive program.

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.

d-5. Sick leave incentive program.

d-6. Jury duty with pay.

d-7. Tuition and textbook reimbursement.

d-8. 2-hour doctor and dentist appointment.

e. More than half-time employees shall be eligible for group life insurance on a pro rata basis and only during the period of actual employment.

### 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.

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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.

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

### **350-247-8 Employee Regulations And Benefits**

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.

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

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