

**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:

- 201845 A substitute ordinance relating to the creation of a department of emergency communications.
- 210255 An ordinance relating to employee participation in volunteer activities.
- 210813 A substitute ordinance relating to employee wages, benefits, and regulations.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #326)					
350-37-0	am	210813	10/30/2021	i-vi 919-920	i-vi 919-920
350-219-3	rc	210255	10/30/2021	957-958	957-958
Ch. 385	corr			1365-1366	1365-1366
Ch. 390	cr	201845	10/30/2021	1367-1368	1367-1368

For subscription or distribution questions contact the Municipal Research Library, Code Section, (414) 286-2280.

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

Abbreviations:

am=amended
cr=created
corr=correction

ra=renumbered and amended
rc=recreated

rn=renumbered
rp=repealed

Revised 10/12/2021
Suppl. #327

CITY OFFICIALS

2020 to 2024

Mayor
Tom Barrett

Council President
Cavalier Johnson

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. JoCasta Zamarripa

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

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

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
October 2021

**MILWAUKEE CODE OF ORDINANCES
VOLUME 3
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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through October 12, 2021.

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b. The spouse/dependent must certify to the city's department of employee relations, employee benefits division, that although they are eligible for CHAMPUS coverage through the U.S. government, they opt to continue city health and/or dental coverage.

c. The employee's spouse/dependent must enroll through the department of employee relations, employee benefits division, for COBRA health and/or dental coverage in the existing plan(s) immediately upon being notified of active duty status.

d. The eligibility of the spouse/dependent to continue city-paid health and/or dental coverage as provided in this subsection shall cease on the last day of the month in which the national guard or reserve member is released from active duty or the expiration of 24 months of the employee's military leave of absence, whichever occurs first.

3. LEAVES FOR MILITARY FUNERALS. Officers and employees of the city of Milwaukee shall be allowed to attend military funerals of veterans without loss of pay when a request for leave is made by a proper veterans organization that the services of such officer or employee is desired for the proper conduct of a military funeral. If such leave for a military funeral coincides with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

4. PAY DURING TIME OFF FOR INDUCTION EXAMINATION. All officers and employees of the city of Milwaukee shall be paid for time lost while taking physical or mental examination for the purpose of determining eligibility for induction or service in the armed forces of the United States. If such time off coincides with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

350-37. Sick and Disability Leave. Sick leave shall cover necessary absence from duty of an employee because of the employee's, or an employee's immediate family member's, illness or pregnancy-related disability, bodily injury or exposure to contagious disease. For the purpose of this section only, "immediate family member" has the meaning given in the federal family and medical leave act. In addition, an employee may request the substitution of sick

leave for family leave under the state family and medical leave act, s. 103.10, Wis. Stats. Employees may not use sick leave for furlough days. Employees may accrue time earned for sick leave purposes while serving furlough time.

1. TIME GRANTED. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an eligible employee of the city who serves on a full-time basis may accrue 12 working days' sick and disability leave with pay during any year. Employees who serve the city on less than a full-time basis who qualify in all other respects may be granted a proportionate amount of sick and disability leave.

b. At the discretion of the department head, an employee may be excused for a paid absence of 2 hours or less to attend medical, dental or city workplace clinic appointments, the annual city health appraisal or for blood or plasma donations, without reporting the absence as paid sick leave, up to a maximum of 8 hours during a calendar year. An employee may be excused for up to an additional 2 hours to receive COVID-19 vaccinations.

2. ACCUMULATIVE BASIS.

a. General City Employee. Every permanent employee shall be granted sick and disability leave with pay at the rate of 3.7 work hours for each 2 weeks of service. The unused balance of sick and disability leave allowance shall be accumulated to the employee's credit up to 120 working days or 960 hours. Employees having accumulated a balance of greater than 960 hours as of January 1, 2012, shall be allowed to retain their balance but shall not be granted additional leave until their balance falls below 960 hours.

b. Nonrepresented, Noncivilian Police and Fire Management Employees Working 40-Hour Week. Nonrepresented, noncivilian police and fire management employees working a 40-hour week shall be granted sick and disability leave with pay at the rate of 1.25 working days for each month of active service or 4.6 work hours for each 2 weeks of active service.

c. Nonrepresented, Noncivilian Fire Management Employees Working 24-Hour Shifts. Nonrepresented, noncivilian fire management employees working a 24-hour shift shall be granted sick and disability leave with pay at 0.5833 of one work shift for each calendar month of active service.

350-37-3 Employee Regulations And Benefits

d. Appointed Public Officials. In addition to the normal sick leave benefits to which employees are entitled under this section, public officials appointed under s. 62.51, Wis. Stats., shall be credited with a special sick leave account of 30 sick leave days. This special account shall be available for use until such time as 30 regular sick leave days have accrued in the normal sick leave account. As normal sick leave account days accrue, the special sick leave account shall be reduced accordingly. Unused days in the special sick leave accounts shall not be considered in the computation of any applicable benefits, including pension benefits, retirement health insurance benefits, terminal leave benefits or sick leave incentive pay benefits.

3. DOCTOR'S CERTIFICATE. At any point during the employee's absence due to a medical reason or use of sick leave, the department head may require a statement from a medical provider indicating the following:

a. The employee has been under his or her care during the period of absence.

b. The absence was medically necessary.

c. The employee is unable to work.

d. The expected return to work date

e. Any restrictions and the duration of the restrictions.

4. CITY CONTRACT EMPLOYER. Service for an employer holding a city contract shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation even though the person so serving may have his or her name included on a city payroll.

6. ELIGIBILITY. Accrual and use of sick and disability leave allowance shall begin immediately upon employment.

7. TRANSFER, REINSTATEMENT.

a. Whenever an employee eligible for a sick and disability leave allowance leaves the service of one department of city government and accepts employment in another department of city government, the obligation for any accumulated sick and disability leave allowance shall be assumed by the new department. This provision shall also apply to an employee of the redevelopment authority of the city of Milwaukee who becomes an employee of the city.

b. Sick and disability leave shall automatically terminate on the date of retirement of the employee or on the date an ordinary disability allowance under the retirement system becomes effective.

c. Separation from the service by resignation or for cause shall cancel all unused accumulated sick and disability leave allowances. When an employee is reinstated to city employment, any unused accumulated sick and disability leave may be restored in accordance with the policy of the city's civil service commission. When a former city employee is reinstated to city employment in a position subject to s. 63.27, Wis. Stats., any unused accumulated sick and disability leave may be restored in accordance with the policy of the city's civil service commission as if the position was subject to the civil service commission.

8. INJURY PAY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, when a non-probationary employee sustains an injury while within the scope of employment, as provided by ch. 102, Wis. Stats., and as determined by workers' compensation, the employee shall receive 66.67% of full salary as injury pay in lieu of workers' compensation for the period of time the employee is temporarily totally or temporarily partially disabled because of the injury, not to exceed 250 working days. In no case shall an employee receive injury pay for more than 250 working days during his or her period of employment with the city regardless of the number of compensable injuries. If time-off coincides with any furlough dates, the furlough time shall be rescheduled upon return to service as approved by the department head.

9. OPTION. Bodily injuries shall be recognized as cause for granting sick and disability leave when they are disabling. Any employee sustaining a compensable injury or contracting a compensable disease under the Wisconsin workers' compensation law shall have the option of accepting sick and disability leave benefits or accepting workers' compensation. This option, which shall be in writing, may be terminated without prejudice to temporary total or temporary partial disability benefits under the workers' compensation act thereafter, but the termination shall not be retroactive, and any sick and disability leave already used at the time of the termination of option shall not be restored to the employee.

10. BENEFITS. The sick and disability leave and injury pay benefits described in this section shall be interpreted as providing sick and disability leave and injury pay limited to the period

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

**CHAPTER 385
OFFICE OF EQUITY AND INCLUSION**

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385-7	Cooperation
385-9	Annual Report

4. Oversee the small business enterprise program.

5. Address institutional and other forms of racism that impact the health and well-being of city residents.

6. Provide support to the equal rights commission.

385-1. Creation. There is created an office of equity and inclusion in the department of administration which shall be responsible for advancing equity in city government and in the communities it serves and for the administration, coordination and implementation of the city's policies relating to equity and inclusion. The goals of the office of equity and inclusion shall be to improve existing and new city services using a racial equity framework, end disparities in city government, strengthen outreach and community engagement with people of color and strengthen partnerships with community stakeholders.

385-7. Cooperation. The chief equity officer shall coordinate the activities of the office of equity and inclusion under this section with the office of African American affairs and any other city departments, boards, commissions and councils that have been tasked with improving racial equity, inclusion or equal opportunities.

385-9. Annual Report. The chief equity officer shall submit an annual written report of the activities of the office of equity and inclusion to the common council and the mayor.

385-3. Administration. Under the direction of the director of administration, the office of equity and inclusion shall be administered by a chief equity officer. The chief equity officer shall be appointed by the mayor, confirmed by the common council, and serve concurrently with the term of the mayor.

For legislative history of chapter 385, contact the Municipal Research Library.

385-5. Duties. The chief equity officer shall:

1. Advance city equity and inclusion policies.

2. Lead and administer the city's initiatives under the government alliance on race and equity.

3. Develop and implement city strategies for racial equity analysis and reporting.

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CHAPTER 390
DEPARTMENT OF EMERGENCY COMMUNICATIONS

TABLE

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390-7. Director of Emergency Communications.

1. APPOINTMENT. The director of the department of emergency communications shall be appointed by the fire and police commission.

2. DUTIES. Under the direction of the fire and police commission, the director shall:

- a. Manage and supervise department operations.
- b. Prepare the department's budget.
- c. Research and develop department goals based on nationally accepted public safety standards and guidelines.
- d. Facilitate communication and collaboration between the executive director of the fire and police commission, chief of police, fire chief, director of the department of administration, director of the department of employee relations, chief information officer, budget and management director and city purchasing director.
- e. Prepare and issue an annual report on the department's activities.

390-1. Department Created. There is created a department of emergency communications, which shall be responsible for the administration, coordination and implementation of the city's unified emergency communications services.

390-3. Purpose. The department of emergency communications shall:

- 1. Implement and manage the city's unified emergency communications center.
- 2. Maintain and improve the quality of 9-1-1 services.
- 3. Assure equity in emergency communications responses.
- 4. Incorporate nationally accepted public safety standards, best practices and guidelines into department policies and procedures.
- 5. Establish metrics for assessing 9-1-1 and emergency communications center operations based on public safety industry standards.
- 6. Implement rules and policies as directed by the fire and police commission.
- 7. Implement operational response guidelines and protocols for the fire department as directed by the fire chief and for the police department as directed by the chief of police.

390-5. Administration. Under the direction of the fire and police commission, the department of emergency communications shall be administered by a director of emergency communications.

390-11. Annual Report. The director of the department of emergency communications shall submit an annual written report of the department's activities under this section to the fire and police commission, the common council and the mayor.

For legislative history of chapter 390, contact the Municipal Research Library.

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