

DEPARTMENT OF EMPLOYEE RELATIONS



September 23, 1998

Dual Residency Policy Statement

— Summary —

Pursuant to Charter Ordinance, sec. 5.02, and Civil Service Rule VIII, sec. 9, the City Service Commission is authorized to make determinations relative to cases involving dual residency. The following is the Commission's policy with respect to such cases.

Description

DUAL RESIDENCY POLICY STATEMENT

In cases in which dual (or multiple) residency is an issue, a determination shall be made as to which location constitutes the actual residence and it shall be that location which will be considered in establishing whether an employe is in conformity with the intent of the Charter Ordinance and Civil Service Rule. Maintaining a rented room or rooms or maintaining living quarters with a friend or relative, when done principally for the purpose of establishing City residency, shall not be considered as conforming. Neither ownership of real property in the City with payment of taxes, nor voting in the City shall be deemed adequate, unless the actual living quarters are in the City.

The determination of actual residency shall include but not necessarily be limited to an overall consideration of the following factors:

1. At which location does the employe's family reside and attend school?
2. At which location does the employe keep his or her tangible personal property and effects?
3. At which location does the employe receive his or her correspondence?
4. At which location does the employe spend his or her time?
5. Which location does the employe list for official documents?
6. Which location is more suitable in terms of aesthetics, habitability, comparative comfort, convenience and regular access?
7. At which location is habitation fixed without any present intent to move?
8. At which location is there an apparent intent to make a permanent domicile?
9. In the event that one location is owned and the other is rented, some presumption of residency shall be applied to the owned property.

Decisions involving dual residency require judgment based upon the totality of circumstances present in each case. The aforementioned are among the indicia which will be considered in applying that judgment on a case-by-case basis. This underscores the fact that the intent of the Rule and Ordinance is to ensure that all employees are actual bona fide residents of the City of Milwaukee and that the City Service Commission will not tolerate subterfuge as a means of evading this unequivocal intent.

Adopted: Board of City Service Commissioners, September 16, 1987