



Department of Employee Relations

February 13, 2019

Tom Barrett
Mayor

Maria Monteagudo
Director

Renee Joos
Employee Benefits Director

Nicole Fleck
Labor Negotiator

To the Members of the
Steering and Rules Committee
Milwaukee Common Council
City of Milwaukee

Re : Common Council File 181649

Dear Council Members;

This communication summarizes the circumstances surrounding the suspension of non-essential municipal operations by Mayor Barrett on Monday, January 28th and on Wednesday, January 30th. This summary is designed to provide information to assist in the discussion as I am unable to attend the meeting scheduled for tomorrow afternoon.

The decision to suspend non-essential operations on Monday January 28th was made in consultation with the Commissioner of Public Works, Health, and other key departments that provide important public services to our community, including the Library and the Department of Neighborhood Services. The forecast at 8:00pm on January 27th called for heavy snow expected overnight and continuing during the day on Monday. Many school districts, including MPS, had announced their plans to close. Given the need to support DPWs efforts during the weather emergency and the need to prioritize the City's ability to allow public safety personnel respond to emergencies, including those stemming from the weather event, the decision was made by Mayor Barrett to suspend non-essential services. President Hamilton was informed of the concerns and the decision to suspend non-essential operations shortly after 8:30 pm and an email informing cabinet members and department heads of the decision was sent by me 9:01pm. Local media outlets were informed accordingly.

The aforementioned email included the pay policy for time not worked because of inclement weather; a policy that has been in place in the City since at least 1989.
<https://city.milwaukee.gov/ImageLibrary/User/jkamme/Policies/SnowPolicy.pdf>

The policy requires departments to identify essential services personnel who are required to report during the emergency as they are deemed critical to the City's ability to respond. For example, in the Health Department, both the Heating and Ventilating Mechanic and the Maintenance Supervisor are considered essential. In ITMD, UCC call agents, leads, shift supervisors, and a manager are considered essential. In DPW, essential personnel outside of the ones directly responding to the emergency, include sewer maintenance workers, electrical services personnel, building maintenance

personnel, City Hall operators, maintenance technicians, and bridge operators. Forestry, Fleets, and the Parking Divisions also have a specific list of essential services personnel as well. In the Water Department, key personnel from the Plants, Distribution Division, Automation and Water Quality Divisions are also clearly identified and defined. (Note: members of the cabinet and key division management personnel are also available and expected to respond to the emergency).

The decision to suspend non-essential services for Wednesday Jan 30th was based on the extreme cold weather event forecasted by the National Weather Service. The City's Health Commissioner declared a public health emergency as authorized under Wisconsin state statute 250.042 as wind chills were expected to be greater than -35 degrees. This declaration occurred the morning of January 29th. Milwaukee residents were strongly encouraged by the Commissioner to stay home during the weather event. Non-essential service operations were suspended out of concern for the safety and well-being of employees. Most other public and private schools and places of employment announced their decision to close early on. At that time, it was simply not safe for residents, including our own employees, to be out and about trying to get to and from work while leaving family members home alone given the potential for life threatening conditions. This decision was shared with President Hamilton shortly after the press conference by the Mayor and the Health Commissioner. An email communicating the decision to cabinet members and other department heads was sent at 12:20pm. This communication included:

- (1) A reminder to department heads to identify essential service personnel who would be required to report during the emergency;
- (2) Information regarding procedures and protocols to stay safe while working outdoors, while traveling, or if they became stranded during the severe weather; and,
- (3) A reminder of the importance of allowing employees without access to vacation hours to borrow vacation to cover the lost time in accordance with provisions of the Code of Ordinances.

For Thursday January 31st the cold emergency was expected to be downgraded from a warning to an advisory by noon. The Mayor, after consulting with the leadership team as well as President Hamilton, made the decision to maintain operations but allowing department heads the discretion to:

- (1) determine actual hours of operation for the day and activities or programs that may be delayed or postponed due to the extreme weather;
- (2) determine if field work could be safely performed by employees;
- (3) identify alternative work assignments and work activities to be performed by employees who would otherwise be performing work in the field;
- (4) carefully consider and approve employee requests to arrive late, leave early or be excused during the extreme weather because of safety concerns; and
- (5) balance staffing capacity with the need to ensure continuity of some level of service during the extreme weather.

An email communicating this decision to cabinet members and other department heads was sent at 1:19pm on January 30th.

Understanding that a number of employees and Council members have raised questions about the City's policy and procedures, DER is in the process of collecting information regarding practices in other jurisdictions in an attempt to identify opportunities for improvement. A total of 54 public employer policies have been received and are being reviewed. Specifically, our research will focus on notification procedures, pay options for lost time, options regarding telework, if appropriate for the role, and alternatives relative to allowing employees to make up the time at the discretion of the department.

Because there were some concerns regarding the legality of the City's policy, the Office of the City Attorney was consulted in an effort to determine compliance with the Fair Labor Standards Act (FLSA). The review concluded that the policy does not violate the FLSA, but that the language involving exempt personnel should be clarified to ensure that departments are aware that under no circumstances should the salary of an FLSA exempt employee be deducted as a result of an emergency closure.

The weather events of the last several weeks have been unprecedented. Healthy and productive discussions regarding the safety of our employees and our City's ability to provide essential services during extreme weather events are important. Although I am not available to be present for the discussion regarding CC file #181609, I look forward to the opportunity to work with other City officials to address the City's needs and identifying alternatives for employees regarding making up the lost time. I can be reached at X3335 if you have any questions or would like additional information regarding this matter.

Sincerely,

Maria Monteagudo
Employee Relations Director

c: Jeanette Kowalik, Commissioner of Health
Jeff Polenske, Public Works Commissioner