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Sent: Monday, June 28, 2021 1:36 PM

To: Fessahaye, Makda <mfessa@milwaukee.gov>

Cc: McGowan, Yolanda <ymcgowan@milwaukee.gov>; Jackson, Celia <cmjacks@milwaukee.gov>; Owczarski, Jim <jowcza@milwaukee.gov>; Pederson, Robin <rpederson@milwaukee.gov>; Ohiku, Odalo <oohiku@milwaukee.gov>; Hagopian, Gregg <ghagop@milwaukee.gov>

Subject: Resolution / Anti Harassment Policy

Hello Makda Fessahaye,

By email dated 6-24-21 you asked our office to review a resolution you wish to present to the F&P Committee on June 30, File No. 201707. By searching Legistar, we see that the File already exists and has been filled with the resolution you transmitted. We have some comments for you to consider however. Please see:

- Attached suggested redlines to the resolution that you sent to us for file 201707, our document number 275226. It is up to you whether you'd want to submit a "Sub 1" to the Council File 201707 or not.
- Attached suggested redlines to the City's existing anti-harassment policy, our document number 275228.

We know that the Council adopted File **201707** on May 4th directing DER to prepare recommendations to the Council for extending the City's anti-harassment and intimidation policies to elected officials. We further now see that the Council also wants to create new MCO 303-5-14 requiring that elected officials and appointees complete ethics and harassment training within 120 days of election/appointment (File 210372 to be heard at Jud Leg on Monday June 28). And, of course, we also know that the Council has before it File 210371 (the one that you asked us on June 24th to comment about) to be heard at F&P on June 30th whereby DER updates the Council on extending the anti-harassment policy and the workplace violence policy to elected officials and appointees. Under File 210371, DER is still afforded more time to provide the suggested updates to the Council.

If you have questions about the enclosures, please contact Gregg Hagopian at 414-467-7766. Our office wishes to assist DER. We could for example discuss these things further with you and also bring in ACA Jenny Yuan who has experience in employment law and who helped DER update the anti-harassment policy in May 2018, when Miriam Horwitz was a Deputy, and when Maria Monteagudo was at DER.

Some other things to consider are:

- Wis. Stat. 17.12
- Common Council's Rule of Conduct, Milwaukee Common Council Procedure Digest
- Charter 4-28 as you've pointed out in the resolution for File 210371 that you sent to us. See, also the last sentence in Charter 4-28-1 referring to the Council providing by ordinance a manner of hearing and disposing of complaints against officers.
- Charter 7-09, charges of misconduct or inefficiency against the DPW Commissioner. Heard by the Council after filing with the City Clerk.
- MCO Ch. 340, DER, including MCO 340-3, General City Policies and Procedures.

Note that we have not yet reviewed the Workplace Violence Prevention Policy. That is something we can do if DER wishes our further assistance.

We are copying the City Clerk on this email, so that the clerk may forward this to Council Members.

Thank you.

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