



**BE A FORCE**

**Milwaukee Police Department**  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

August 26, 2016

**Edward A. Flynn**  
Chief of Police

(414) 933-4444

James Owczarski, City Clerk  
Milwaukee Common Council  
City Hall, Room 205  
200 East Wells Street

Subject: Communication File Regarding Changes to the 2016 Positions Ordinance

Dear Mr. Owczarski:

The Milwaukee Police Department is submitting this Communication File for inclusion on the September 14, 2016, Finance and Personnel Committee agenda. This file adds one (1) position Open Records Legal Advisor to the Open Records Section of the Risk Management Bureau. The Open Records Legal Advisor works in conjunction with the Risk Management Bureau to develop, implement, maintain and update standards, procedures and protocols for a comprehensive, department-wide records information management program.

The 2016 Positions Ordinance would need to be amended as follows:

<u>Position Title</u>	<u>Pay Range</u>	<u>Add</u>
Open Records Legal Advisor	1DX	1

Sincerely,

EDWARD A. FLYNN  
CHIEF OF POLICE

EAF:pk

Cc: A/Chief Yerkes, Insp Gordon, Budget Mgr Rotar, FPC-Regan, DER-Knickerbocker

# JOB DESCRIPTION

FOR DER USE ONLY	
Vacancy No. _____	_____
City Service Commission: _____	Finance Committee: _____
Fire & Police Commission: _____	Common Council: _____

**Instructions:** Complete all sections. Refer to the *Guidelines for Preparing Job Descriptions* for instructions on completing specific items.

<b>1. Date Prepared/ Revised:</b> 8/26/2016		<b>2. Present Incumbent:</b> NEW POSITION		<b>Is incumbent underfilling position?</b>		
<b>3. Date Filled:</b>		<b>4. Previous Incumbent:</b>		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, indicate Underfill Title in box 10.		
<b>5. Department:</b> POLICE DEPARTMENT			<b>Bureau:</b> Division: Risk Management		<b>Unit:</b> Section: Open Records	
<b>6. Work Location:</b> 2333 N. 49 <sup>th</sup> St. Milwaukee, WI 53208			<b>Telephone:</b> <b>Email:</b>		<b>Work Schedule: Full-time</b> Hours: _____ Days: _____	
<b>7. Represented by a Union?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Bargaining Unit:</b> Management, General City If in District Council 48, which local?			<b>8. FLSA Status (check one):</b> <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt	
<b>10.</b>	<b>Official Title:</b> New Position			<b>Pay Range</b>	<b>Job Code</b>	<b>EEO Code</b>
	<b>Underfill Title (if applicable):</b>					
	<b>Requested Title (if applicable):</b> Open Records Legal Advisor					
	<b>Recommended Title (DER Use Only):</b>			Approved by: _____		
			Date: _____			

**11. BASIC FUNCTION OF POSITION:**

The Open Records Legal Advisor works in conjunction with the Risk Management Bureau to directly advise and oversee the day-to-day operations of the MPD Open Records section, and to ensure that all Open Records Section responses are compliant with applicable state and federal laws.

**12. DESCRIPTION OF JOB** (Check if description applies to **Official Title**  or **Underfill Title** ):

**A. ESSENTIAL FUNCTIONS/Duties and Responsibilities:** (Refer to the "Guidelines for Preparing Job Descriptions" for instructions on determining Essential Functions.)

% of Time	ESSENTIAL FUNCTION
100%	<p>Advise the Open Records staff on a day-to-day basis</p> <ul style="list-style-type: none"> <li>Continually review and update language and letters used to respond to open records requests</li> <li>Provide guidance on the handling of all open records requests</li> <li>Review staff response letters to open records requests</li> <li>Conduct the review of all requests for email records</li> <li>Aid staff in the pull of records when necessary</li> <li>Provide guidance on review and redaction determinations</li> <li>Review all open records release letters before they are sent out</li> </ul> <p>Directly handle high profile, difficult, or complex open records requests</p> <ul style="list-style-type: none"> <li>Lead in the pull, review, redaction (if necessary), and response to these types of open records requests</li> </ul>
	<p>Keep up to date on the ever-changing nature of the Wisconsin Public Records law</p> <ul style="list-style-type: none"> <li>Update language and letters when necessary</li> <li>Provide clarification to staff on new issues within the Wisconsin Open Records Law</li> </ul> <p>Work directly with the Open Records Sections designated media request responder</p> <ul style="list-style-type: none"> <li>Review all media requests that are received</li> <li>Aid in the pull, review, redaction (if necessary), and response to all complex media requests</li> <li>Review all media request response letters</li> </ul>

The above statements are intended to summarize the nature and level of work and typical responsibilities and duties being performed by the incumbent(s) of this job. They are not intended to be an exhaustive list of all responsibilities, duties, and tasks required of the position.

% of Time	ESSENTIAL FUNCTION
	<p>Coordinate with the Record Retention officer</p> <ul style="list-style-type: none"> <li>• Aid in the creation of all record's retention schedules</li> <li>• Ensure current and future retention schedules are appropriate under all applicable state and federal laws</li> <li>• Work with the City's records retention officer to ensure compliance with all applicable state and federal laws regarding the retention and destruction of records</li> </ul> <p>Act as a representative of the Open Records to the Public when necessary</p> <ul style="list-style-type: none"> <li>• Explain records responses to the public when necessary</li> <li>• Handle all Open Records discussion with the media</li> <li>• Take calls from outside attorneys regarding Open Records Section responses</li> </ul> <p>Liaison to the Milwaukee City Attorney</p> <ul style="list-style-type: none"> <li>• Keep City Attorney informed of the day-to-day operations of the Open Records Section</li> <li>• Work with the City Attorney on difficult or complex records requests</li> </ul> <p>Act as a liaison between the Open Records Section and other sections of the Milwaukee Police Department</p> <ul style="list-style-type: none"> <li>• Aid in the pull of records that may be required of other sections</li> <li>• When necessary, explain why redactions may or may not be applicable</li> <li>• Seek guidance on the release and redaction of sensitive records</li> <li>• Provide records advice when necessary</li> <li>• Provide training/consultation on records/information management compliance issues to various divisions of MPD</li> <li>• Provide consultation to various work location/division heads and designated records personnel on record system efficiencies and legal standards for maintaining compliance.</li> <li>• Provide consultation on the Wisconsin Open records laws to work location/division heads when necessary</li> <li>• Educate and instruct MPD personnel on retention/destruction</li> </ul> <p>Develop methods and strategies for continued and improved efficiency of the Open Records Section</p> <ul style="list-style-type: none"> <li>• Continually review the best practices for the timely handling and response to open records requests</li> <li>• Work with the Open Records Section supervisor to ensure that all staff is trained in the pull of various types of records (including video, audio, etc.)</li> <li>• Make sure records systems are in compliance with local, state, and federal records laws; including, but not limited to, means by which the integrity and authenticity of records are preserved and maintained in a secure manner for appropriate retrieval, access and final disposition.</li> </ul> <p>Develop and monitor standards and guidelines for MPD compliance with local, state, and federal/agency laws and best practices regarding the response to Open Records requests</p>

**B. PERIPHERAL DUTIES:**

% of Time	PERIPHERAL DUTY
	•
	•

**C. NAME AND TITLE OF IMMEDIATE SUPERVISOR:**

Assistant Chief of Police Carianne Yerkes

**D. SUPERVISION RECEIVED:** (Describe the extent to which work assignments and methods are outlined, reviewed, and approved by this position's supervisor.)

General supervision received from Inspector of Risk Management Bureau. Specialized nature of position's duties and responsibilities mean that decision-making latitude is quite broad.

**E. SUPERVISION EXERCISED:**

Total number of employees for whom responsible, either directly or indirectly = **None.**

*The above statements are intended to summarize the nature and level of work and typical responsibilities and duties being performed by the incumbent(s) of this job. They are not intended to be an exhaustive list of all responsibilities, duties, and tasks required of the position.*

**Direct Supervision:** List the number and titles of personnel directly supervised. Specify the kind and extent of supervision exercised by indicating one or more of the following:

a. Assign duties	e. Sign or approve work
b. Outline methods	f. Make hiring recommendations
c. Direct work in progress	g. Prepare performance appraisals
d. Check or inspect completed work	h. Take disciplinary action or effectively recommend such
<b>Number Supervised</b>	<b>Job Title</b>
	<b>Extent of Supervision Exercised</b> (Select those that apply from list above, a - h)

**F. MINIMUM QUALIFICATIONS REQUIRED:** (Indicate the MINIMUM qualifications required to enter the job.)

i. Education and Experience:

- Bachelor's Degree
- Juris Doctor or a Masters degree in Public Administration or a related field
- Familiarity with the Wisconsin Open Records Statutes

ii. Knowledge, Skills and Abilities:

- Candidates must exhibit high level of integrity and honesty.
- Strong oral and written communication skills.
- Ability to maintain confidentiality.
- Ability to work with diverse groups of individuals in a paramilitary/law enforcement environment.
- Must have demonstrated understanding of public sector record retention laws, preferably including law enforcement entities.
- Demonstrated understanding of local, state and federal record laws.
- Strong research skills, with analytical abilities to understand complex records and information record keeping methods, including standards for quality control methodologies and record/information storage devices.
- Strong legal writing skills, and knowledge of the Bluebook legal citation method

iii. Certifications, Licenses, Registrations:

- If a JD, a member of the Wisconsin Bar Association

iv. Other Requirements:

- Must pass security/background checks.

**13. PHYSICAL AND ENVIRONMENTAL DEMANDS: TOOLS AND EQUIPMENT USED**

The Americans with Disabilities Act of 1993 requires job descriptions to provide detailed information regarding the physical demands required to perform the essential functions of a job; the conditions under which the job is performed; and the tools and equipment the employee will be required to use on the job. Reasonable accommodations may be made to enable qualified individuals to perform the essential duties and responsibilities of the job for each of the categories listed below.

**G. PHYSICAL ACTIVITY OF THE POSITION:** (List the physical activities that are representative of those that must be met to successfully perform the essential functions of the job).

**CHECK ALL THAT APPLY:**

<input type="checkbox"/>	<b>Climbing:</b> Ascending or descending ladders, stairs, scaffolding, ramps, poles, and the like; using feet and legs and/or hands and arms. Body agility is emphasized. Check only if the amount and kind of climbing required exceeds that required for ordinary locomotion.
<input type="checkbox"/>	<b>Balancing:</b> Maintaining body equilibrium to prevent falling when walking, standing or crouching on narrow, slippery or erratically moving surfaces. Check only if the amount and kind of balancing exceeds that needed for ordinary locomotion and maintenance of body equilibrium.
<input type="checkbox"/>	<b>Stooping:</b> Bending body downward and forward by bending spine at the waist. Check only if it occurs to a considerable degree and requires full use of the lower extremities and back muscles.

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<input type="checkbox"/>	<b>Kneeling:</b> Bending legs at knee to come to a rest on knee or knees.
<input type="checkbox"/>	<b>Crouching:</b> Bending the body downward and forward by bending leg and spine.
<input type="checkbox"/>	<b>Crawling:</b> Moving about on hands and knees or hands and feet.
<input type="checkbox"/>	<b>Reaching:</b> Extending Hand(s) and arm(s) in any direction.
<input type="checkbox"/>	<b>Standing:</b> Particularly for sustained periods of time.
<input type="checkbox"/>	<b>Walking:</b> Moving about on foot to accomplish tasks, particularly for long distances.
<input type="checkbox"/>	<b>Pushing:</b> Using upper extremities to exert force in order to draw, press against something with steady force in order to thrust forward, downward or outward.
<input type="checkbox"/>	<b>Pulling:</b> Using upper extremities to exert force in order to draw, drag, haul or tug objects in a sustained motion.
<input type="checkbox"/>	<b>Lifting:</b> Raising objects from a lower to a higher position or moving objects horizontally from position-to-position. Check only if it occurs to a considerable degree and requires substantial use of the upper extremities and back muscles.
<input checked="" type="checkbox"/>	<b>Fingering:</b> Picking, pinching, typing or otherwise working primarily with fingers rather than with the whole hand or arm, as in handling.
<input type="checkbox"/>	<b>Grasping:</b> Applying pressure to an object with fingers and palm.
<input type="checkbox"/>	<b>Feeling:</b> Perceiving attributes of objects such as size, shape, temperature or texture by touching with the skin, particularly that of the fingertips.
<input checked="" type="checkbox"/>	<b>Talking:</b> Expressing or exchanging ideas by means of the spoken word. Those activities which demand detailed or important instructions spoken to other workers accurately, loudly or quickly.
<input checked="" type="checkbox"/>	<b>Hearing:</b> Perceiving the nature of sounds with no less than a 40 db loss. Ability to receive oral communication and make fine discriminations in sound.
<input type="checkbox"/>	<b>Repetitive Motions:</b> Substantial movements (motions) of the wrist, hands, and/or fingers.
<input checked="" type="checkbox"/>	<b>Driving:</b> Minimum standards required by State Law (including license).

**H. PHYSICAL REQUIREMENTS OF THE POSITION:** (List the physical requirements that are essential functions of the job.)

**CHECK ONE:**

<input checked="" type="checkbox"/>	<b>Sedentary Work:</b> Exerting up to 10 pounds of force occasionally and/or negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Sedentary work involves sitting most of the time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.
<input type="checkbox"/>	<b>Light Work:</b> Exerting up to 10 pounds of force occasionally and/or negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for sedentary work and the worker sits most of the time, the job is rated for Light Work.
<input type="checkbox"/>	<b>Medium Work:</b> Exerting up to 50 pounds of force occasionally and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.
<input type="checkbox"/>	<b>Heavy Work:</b> Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects.
<input type="checkbox"/>	<b>Very Heavy Work:</b> Exerting in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of force frequently, and/or in excess of 20 pounds of force constantly to move objects.

**I. VISUAL ACUITY REQUIREMENTS:** (List the visual acuity requirements that are essential functions of the job.)

**CHECK ONE:**

<input checked="" type="checkbox"/>	<b>Operators (Electronic Equipment), Inspection, Close Assembly, Clerical, Administrative:</b> This is a minimum standard for use with those whose job requires work done at close visual range (i.e. preparing and analyzing data and figures, accounting, transcription, computer terminal, extensive reading, visual inspection involving small parts, operation of machines, using measurement devices, assembly or fabrication of parts).
<input type="checkbox"/>	<b>Machine Operators, Mechanics, Skilled Tradespeople:</b> This is a minimum standard for use with those whose work deals with machines where the seeing job is at or within arm's reach. This also includes mechanics and skilled tradespeople and those who do work of a non-repetitive nature such as carpenters, technicians, service people, plumbers, painters, mechanics, etc. (If the machine operator also inspects, check the "Operators" box.)
<input type="checkbox"/>	<b>Mobile Equipment Operators:</b> This is a minimum standard for use with those who operate cars, trucks, forklifts, cranes, and high lift equipment.
<input type="checkbox"/>	<b>Other:</b> This is a minimum standard based on the criteria of accuracy and neatness of work for janitors, sweepers, etc.

**J. THE CONDITIONS THE WORKER WILL BE SUBJECT TO IN THIS POSITION:**

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List the environmental/working conditions to which the employee may be exposed while performing the essential functions of the job. Include scheduling considerations such as on-call for emergencies, rotating shift, etc. **Approximate Percentage of time performing field work: 10%**

**CHECK ALL THAT APPLY:**

<input checked="" type="checkbox"/>	<b>None:</b> The worker is not substantially exposed to adverse environmental conditions (such as typical office or administrative work).
<input type="checkbox"/>	<b>The worker is subject to inside environmental conditions:</b> Protection from weather conditions but not necessarily from temperature changes (i.e. warehouses, covered loading docks, garages, etc.)
<input type="checkbox"/>	<b>The worker is subject to outside environmental conditions:</b> No effective protection from weather.
<input type="checkbox"/>	<b>The worker is subject to extreme cold:</b> Temperatures below 32 degrees for period of more than one hour.
<input type="checkbox"/>	<b>The worker is subject to extreme heat:</b> Temperatures above 100 degrees for periods of more than one hour.
<input type="checkbox"/>	<b>The worker is subject to noise:</b> There is sufficient noise to cause the worker to shout in order to be heard above the surrounding noise level.
<input type="checkbox"/>	<b>The worker is subject to vibration:</b> Exposure to oscillating movements of the extremities or whole body.
<input type="checkbox"/>	<b>The worker is subject to hazards:</b> Includes a variety of physical conditions, such as proximity to moving mechanical parts, electrical current, working on scaffolding and high places or exposure to chemicals.
<input type="checkbox"/>	<b>The worker is subject to atmospheric conditions:</b> One or more of the following conditions that affect the respiratory system or the skin: Fumes, odors, dust, mists, gases or poor ventilation.
<input type="checkbox"/>	<b>The worker is subject to oil:</b> There is air and/or skin exposure to oils and other cutting fluids.
<input type="checkbox"/>	<b>The worker is required to wear a respirator.</b>

**K. MACHINE, TOOLS, EQUIPMENT, ELECTRONIC DEVICES, SOFTWARE, ETC. USED BY POSITION:**

List equipment needed to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions.)

**CHECK ALL THAT APPLY:**

<input type="checkbox"/>	Camera and photographic equipment	<input checked="" type="checkbox"/>	Office Equipment (desk, chair, telephone, etc.)
<input type="checkbox"/>	Cleaning supplies	<input checked="" type="checkbox"/>	Office supplies (pens, staplers, pencils, etc.)
<input type="checkbox"/>	Commercial vehicle	<input type="checkbox"/>	Packing materials (boxes, shrink wrap, etc.)
<input type="checkbox"/>	Data processing equipment	<input checked="" type="checkbox"/>	PC equipment (monitor, keyboard, printer, etc.)
<input type="checkbox"/>	Handcart	<input checked="" type="checkbox"/>	PC software
<input type="checkbox"/>	Hand tools (please list):		
<input checked="" type="checkbox"/>	Office Machines (check all that apply):	<input checked="" type="checkbox"/>	Copier
		<input checked="" type="checkbox"/>	Facsimile
		<input checked="" type="checkbox"/>	Calculator
		<input type="checkbox"/>	Cash register
<input checked="" type="checkbox"/>	Other (please list):		CD/DVD Copier; Shredder

**L. SUPPLEMENTARY INFORMATION:** (Indicate any other information which further explains the importance, difficulty, or uniqueness of the position, such as its scope of responsibility related to finances, equipment, people, information, etc. Also indicate success factors such a personal characteristics that contribute to an individual's ability to perform well in the job, and any other special considerations.)

**M. I believe that the statements made above in describing this job are complete and accurate.**

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*Signature of Department Head or Designated Representative*

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