

LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY & LEGISLATION COMMITTEE

ITEM 3, FILE # 011139

JANUARY 14, 2002

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File # 011139 is a resolution authorizing the expenditure of up to \$10,000 from the Outside Counsel/Expert Witness Fund for the purpose of retaining outside counsel arising out of the request for legal services from the Milwaukee Health Department and the Department of Administration, City Attorney File Nos. 1084-2001-3362 and 1052-2001-3534.

Background

1. The Outside Counsel/Expert Witness Fund covers the cost of hiring expert witnesses and outside counsel in legal cases. Funds are approved on a case-by-case basis and appropriated to a sub-account under City Attorney expenditure authority by Common Council resolution.
2. This resolution will authorize the City Attorney to expend funds of up to \$10,000 for the purpose of retaining outside counsel arising out of the request for legal services from the Health Department and the Department of Administration.

Discussion

1. The Milwaukee Health Department (MHD) and the Department of Administration (DOA) have requested legal services regarding the hiring of foreign nationals in specialty occupations. The hiring of these foreign nationals requires the pre-approval of the U.S. Immigration and Naturalization Service (INS).
2. Employment offers have been made by the MHD and the DOA to two individuals who require a professional visa for nonimmigrant workers. This visa, **H-1B** classification, applies to persons in a specialty occupation requiring the theoretical and practical application of a body of specialized knowledge and requires completion of a specific course of higher education.
3. The individuals' current visas and immigration statuses will not allow them to be hired or to remain in the United States for the purposes of employment. These individuals' immigration status came to light after the offers for employment were made.
4. In order to hire these individuals, the city is required to file the appropriate INS forms and paperwork and becomes the sponsoring employer.
5. The hiring of foreign nationals requires knowledge and expertise in the area of immigration law.

6. Additionally, the city is required (as a matter of anti-discrimination policy) to proceed with these hires as the offers of employment have been made.

Fiscal Impact

1. The total funding of this resolution is \$10,000 to be appropriated from the 2002 Outside Counsel/Expert Witness Fund.
2. If this resolution is approved, the 2002 Outside Counsel/Expert Witness Fund will have a balance of \$240,000.

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LRB-Fiscal Review Section
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