



**Office of the City Clerk**

**Jim Owczarski**  
City Clerk  
jowcza@milwaukee.gov

**Dana J. Zelazny**  
Deputy City Clerk  
d.zelazny@milwaukee.gov

**VIA ELECTRONIC MAIL**

May 13, 2022

Ms. Renee Joos  
Special Deputy Director, Department of Employee Relations  
Room 706, City Hall

Dear Ms. Joos:

I write this to request that the position of Staff Assistant to the Common Council President currently be re-exempted from the city service. This position functions as a trusted representative and policy analyst for the Council President, and the circumstances under which it was originally exempted have not changed. I would therefore ask that the exemption be renewed.

I have attached a copy of the current job description for your reference.

Thank you for your consideration of this matter. Should you have any questions of me, please do not hesitate to contact me at your convenience.

Sincerely,

Jim Owczarski  
City Clerk





## Department of Employee Relations

**Cavalier Johnson**  
Mayor

**Vacant**  
Director

**Renee Joos**  
Director  
Employee Benefits

**Nicole Fleck**  
Labor Negotiator

**TO:** Board of City Civil Service Commissioners

**FROM:** Kristin Hennessy Urban  
Human Resources Manager

**DATE:** May 18, 2022,

**RE:** Request to **permanently exempt** the position of Staff Assistant - Common Council President

<u>Position Title</u>	<u># of Positions</u>	<u>Pay Range</u>
Staff Assistant - Common Council President	1	2HX (\$55,962-\$78,342)

Please find attached a request from City Clerk Jim Owczarski to exempt the position of Staff Assistant – Common Council President. For the reasons cited below and based upon a discussion with Mr. Owczarski, I recommend that this position be permanently exempted. A job description and a 1984 City Attorney’s Opinion, citing the 1976 permanent exemption of the Legislative Assistants is attached.

The Staff Assistant – Common Council President serves a critical role by briefing the Common Council President regarding pending legislation and policy issues and by interacting with constituents, other elected officials, community groups and departmental leaders on his behalf. The Staff Assistant-Common Council President serves as the Common Council President’s professional-level policy analyst; accordingly, the Staff Assistant – Common Council President serves in the capacity of a Legislative Assistant. As is mentioned in the attached City Attorney’s Opinion, the latter title has been permanently exempted since 1976.

It does appear that this position has historically been treated as permanently exempt, as I was not able to find exemption or re-exemption requests for previous appointments, including when the position was most recently filled in 2020. Mr. Owczarski does not recall requesting re-exemption for the position during his tenure. This position is not exempted by State Statute or by Ordinance. It is possible that, when the Legislative Aides were permanently exempted in 1976, the Staff Assistant – Common Council President was included in that title or that one of the Legislative Assistant positions was reclassified as the Staff Assistant – Common Council President. Therefore, as has been recommended by Assistant City Attorney McClain, I ask that the Commission clarify this issue by deciding as to its status. It is my recommendation that the request to permanently exempt the position of Staff Assistant -Common Council President be granted.

Please contact me at 414.286.8643 should you have any questions regarding this request.

## CITY OF MILWAUKEE

JAMES B. BRENNAN  
City Attorney

DAVID A. FELGER  
THOMAS E. HAYES  
Deputy City Attorneys



## OFFICE OF CITY ATTORNEY

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JOSEPH N. MISANY  
BEVERLY A. TEMPLE  
MICHAEL A. I. WHITCOMB  
GREGG J. GUNTA  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
MILTON EMMERSON  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
THOMAS C. GOELDNER  
SUSAN D. BICKERT  
HAZEL MOSLEY  
VINCENT D. MOSCHELLA  
NANCY E. MALONEY  
KEVIN G. KEANE  
HARRY A. STEIN  
Assistant City Attorneys

February 13, 1984

Mr. Allen R. Calhoun, Jr.  
City Clerk  
Room 205, City Hall

Dear Mr. Calhoun:

Re: Payroll Certification  
in Light of Alderman's  
Son Being Employed as  
Aldermanic Aide

Your correspondence of February 9, 1984, requests an opinion regarding your ability to certify the payroll for your office in light of the appointment by Ald. Robert Weber of his son to the position of aldermanic aide.

Section 12 of Rule VIII of the Milwaukee City Service Rules states the following, in part:

"Section 12. Nepotism prohibited. Except as a result of regular certification from an original or promotional eligible list established as a result of examination, no person shall hereafter be appointed to any position in the city service subject to these rules, who is related by blood (whether of whole or half blood), or through marriage to the appointing officer or to any member of the appointing board or body or to any direct superior or to any elective or appointive city official....." (emphasis supplied)

From the above, it is clear that the employment of one Brian Weber, son of Ald. Robert Weber, meets two

Mr. Allen R. Calhoun, Jr.

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February 13, 1984

out of the three criteria set forth in this section of the Milwaukee City Service Rules. (That is, Brian Weber is related by blood to an elective City official.)

The question now becomes whether the position is subject to the City Service Rules.

**Section 63.27, Stats., states:**

"63.27 Rules not applicable to certain officers. Officers who are elected by the people,...and any other officers, clerks or employees in the service of the city whose positions, in the judgment of the city service commissioners, cannot for the time being be subjected, with advantage to the public service, to the general rules prepared under this chapter shall not be affected as to their election, selection or appointment by such rules made by said commissioners."

**Under authority of the above statute, on May 13, 1976, the City Service Commission took action to exempt the position of Legislative Aide-City Clerk's Office (subsequently retitled "Legislative Assistant") from City Service jurisdiction.**

**The position of Legislative Assistant (aldermanic aide), therefore, as an exempt position, is not subject to the provisions of the City Service Commission Rules.**

It is therefore our opinion that the City Service Rule regarding nepotism does not preclude you from certifying the payroll with respect to the employment of Brian Weber, son of Ald. Robert Weber, as an aldermanic aide. This opinion is limited to the question of nepotism, and does not address

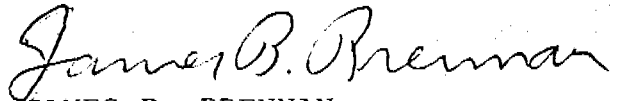
Mr. Allen R. Calhoun, Jr.

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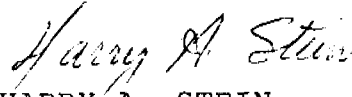
February 13, 1984

other issues in certification of the payroll, e.g., hours  
and days worked, rate of pay, etc.

Very truly yours,



JAMES B. BRENNAN  
City Attorney



HARRY A. STEIN  
Assistant City Attorney

HAS:g

# JOB DESCRIPTION

## FOR DER USE ONLY

### Vacancy No.

City Service

Commission: \_\_\_\_\_

Fire & Police

Commission: \_\_\_\_\_

Finance

Committee: \_\_\_\_\_

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> 8/20/19		<b>2. Present Incumbent:</b>		<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> Common Council - City Clerk			<b>Bureau:</b> <b>Division:</b>		<b>Unit:</b> <b>Section:</b>
<b>6. Work Location:</b> City Hall, Room 205			<b>Telephone:</b> 286-2221 <b>Email:</b>		<b>Work Schedule:</b> Hours: 8am-4:45 pm / Days: M-F
<b>7. Represented by a Union?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>8. Bargaining Unit:</b> Management, General City <b>If in District Council 48, which local?</b>			<b>9. FLSA Status (check one):</b> <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Non-Exempt
<b>10.</b>	<b>Official Title:</b> Staff Assistant to Council President			<b>Pay Range</b>	<b>Job Code</b>
				2HX	4812
	<b>Underfill Title (if applicable):</b>				
	<b>Requested Title (if applicable):</b>				
<b>Recommended Title (DER Use Only):</b>				Approved by: _____ Date: _____	

## 11. BASIC FUNCTION OF POSITION:

Provides staff assistance to the Common Council President and manages his office.

## 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
20	• City Governance: Monitor, review and brief Council President on pending legislation and policy issues on committee agendas and Common Council. Represent Council Present before various committee, boards and commissions. Meet with citizens regarding permit, license and zoning applications.
20	• Research and Policy Analysis: Provide, pursue research and policy analysis by monitoring community trends, issues that impact the district and city. Make recommendations and/or define policy alternatives on current issues and trends. Support the Council President on developing legislation.
15	• Maintain a good relationship with legislative assistants, council members, elected officials and city departments as well as the City Clerk and Deputy City Clerk and staff members.
15	• Community and Neighborhood Relations: Represent Council President at various civic, committee, and governmental functions, including neighborhood and community meetings. Staffing task forces on special issues, meeting with constituents and citizens from all sectors to implement task force goals; draft and edit task force proposals, articles and brochures.
15	• Manage staff and office work flow.
10	• Engage in media and communication initiatives for print, written, verbal and online interactions for press conferences and statements, talking points, newsletters and online social media
5	• Other related duties as assigned by Council President.
	•
	•
	•

### B. PERIPHERAL DUTIES:

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	PERIPHERAL DUTY
	•
	•
	•
	•
	•
	•
	•
	•
	•
	•

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

Common Council President

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

The Staff Assistant is expected to work with considerable independence in performing job duties and responsibilities as directed by the Council President.

**E. SUPERVISION EXERCISED:**

Total number of employees for whom responsible, either directly or indirectly = 2.

**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:

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> <i>(Select those that apply from list above, a - h)</i>
1	Legislative Assistant	a, b, c, d, g
1	Executive Administrative Assistant II	a, b, g

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

i. Education and Experience:

ii. Knowledge, Skills and Abilities:

A high degree of administrative ability; good interpersonal relationship skills. Demonstrated skills with verbal, written, print and social media. Proficiency in use of computers and software - WORD, Excel, database entry and mainframe use. Organizational skills. Advanced level of problem-solving skills. Ability to effectively work in a confidential nature with all elected officials, boards, commissions, departments, legislative assistants as well as the City Clerk, Deputy City Clerk, and other staff personnel

*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.*

iii. Certifications, Licenses, Registrations:

iv. Other Requirements:

### 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.
<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 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.
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<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:**

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:** \_\_\_\_\_%

**CHECK ALL THAT APPLY:**

<input checked="" type="checkbox"/>	<b>None:</b> The worker is not substantially exposed to adverse environmental conditions ( <i>such as typical office or administrative work</i> ).
<input type="checkbox"/>	<b>The worker is subject to inside environmental conditions:</b> Protection from weather conditions but not necessarily from temperature changes ( <i>i.e. warehouses, covered loading docks, garages, etc.</i> )
<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 type="checkbox"/> PC software
<input type="checkbox"/> Hand tools ( <i>please list</i> ):	

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<input checked="" type="checkbox"/> Office Machines ( <b>check all that apply</b> ):	<input checked="" type="checkbox"/> Copier	<input checked="" type="checkbox"/> Facsimile	<input checked="" type="checkbox"/> Calculator	<input type="checkbox"/> Cash register
<input type="checkbox"/> Other ( <b>please list</b> ):				

- 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.)

Must be willing to work irregular hours - some evening and weekends as needed at the Council President's request.

- 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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