



Legislation Details (With Text)

**File #:** 191281      **Version:** 1  
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**File created:** 12/17/2019      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 3/3/2020

**Effective date:**

**Title:** A substitute ordinance relating to the responsibilities and authority of the department of employee relations.

**Sponsors:** ALD. HAMILTON, ALD. COGGS

**Indexes:** DEPARTMENT OF EMPLOYEE RELATIONS

**Attachments:** 1. Cover Letter, 2. Fiscal Impact Statement, 3. Hearing Notice List, 4. Notice published 3-19-2020

| Date       | Ver. | Action By                     | Action                  | Result | Tally |
|------------|------|-------------------------------|-------------------------|--------|-------|
| 12/17/2019 | 0    | COMMON COUNCIL                | ASSIGNED TO             |        |       |
| 2/25/2020  | 1    | CITY CLERK                    | DRAFT SUBMITTED         |        |       |
| 2/26/2020  | 1    | FINANCE & PERSONNEL COMMITTEE | RECOMMENDED FOR PASSAGE | Pass   | 4:0   |
| 3/3/2020   | 1    | COMMON COUNCIL                | PASSED                  | Pass   | 15:0  |
| 3/13/2020  | 1    | MAYOR                         | SIGNED                  |        |       |

191281  
SUBSTITUTE 1

**ALD. HAMILTON AND COGGS**

A substitute ordinance relating to the responsibilities and authority of the department of employee relations.

- 340-1-3 am
- 340-1-4 rc
- 340-3-2-a am
- 340-3-2-c rc
- 340-3-2-d rc
- 340-3-3-c rc
- 340-3-3-d rc
- 340-3-3-e cr
- 340-3-3-f cr
- 340-11-1 am
- 340-11-2 cr
- 340-11-4 am
- 340-11-5 cr
- 350-241 rp

This ordinance makes various revisions to the responsibilities and authority of the department of employee relations, including:

1. The department shall meet and confer with employees and employee groups on an annual basis, and as necessary, for the purpose of communicating, soliciting and exchanging information, views, ideas and interests concerning wages, hours, and other conditions of employment.
2. The department shall establish and administer a dispute resolution procedure for the fair and prompt resolution of employee concerns or disagreements, as well as resolution of workplace disputes.
3. The code provisions relating to the disciplinary grievance procedure are reorganized.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 340-1-3 of the code is amended to read:

**340-1. Department Established.**

3. Labor >>and employee<< relations.

Part 2. Section 340-1-4 of the code is repealed and recreated to read:

4. Administration of the civil service system.

Part 3. Section 340-3-2-a of the code is amended to read:

**340-3. General City Policies and Procedures.**

**2. AUTHORITY OF DEPARTMENT.**

- a. Meet and confer with employees and employee groups, including currently and previously-certified employee groups, >>on an annual basis, and as necessary,<< for the purpose of communicating, soliciting and exchanging information, views, ideas and interests concerning wages, hours, and other conditions of employment.

Part 4. Section 340-3-2-c and d of the code is repealed and recreated to read:

- c. Establish a dispute resolution procedure for the fair and prompt resolution of employee concerns or disagreements, as well as resolution of workplace disputes. The department shall develop administrative guidelines establishing the scope of matters to be subject to this procedure. This dispute resolution procedure shall authorize the department to investigate the matter and recommend the appropriate course of action to be implemented by the department. Such recommendations shall not conflict with any applicable provision of ch. 63, Wis. Stats.
- d. Develop and implement city-wide employment policies and provide guidance and direction to city departments to ensure that human resources best practices are being followed and to ensure full compliance with applicable employment regulations.

Part 5. Section 340-3-3-c and d of the code is repealed and recreated to read:

**3. REQUIREMENTS OF ALL DEPARTMENTS.**

c. Inform employees of relevant dispute resolution procedures, grievance procedures, and appeal rights available to them under applicable laws, civil service commission rules, and other relevant policies. This information may be provided directly to employees or through an employee representative.

d. Cooperate with employee representatives in addressing and resolving employment issues and concerns.

Part 6. Section 340-3-3-e and f of the code is created to read:

e. Establish the use of seniority for vacation selection, job-picking assignments and other assignments that provide for premium payments where this process is used, provided that there is no other legitimate business reason to use another system.

f. Offer, to the extent possible, overtime assignments first to employees who volunteer, and then assign, on a rotating basis, among those employees who volunteered. In cases where there are no volunteers for overtime, all employees shall perform the work.

Part 7. Section 340-11-1 of the code is amended to read:

### **340-11. Division of Labor Relations.**

1. DIVISION CREATED. There is created a division of labor relations in the department of employee relations under the direction and control of the labor negotiator. Such division of labor relations shall be responsible for all labor negotiations between the city and its employees under s. 111.70, Wis. Stats., and such other labor >>and employee relations<< matters as may be related to the subject matter of that section.

Part 8. Section 340-11-2 of the code is created to read:

2. DISPUTE RESOLUTION PROCEDURE. The labor negotiator or his or her designee shall act as the independent reviewer of a dispute filed under s. 340-3-2-c.

Part 9. Section 340-11-4 of the code is amended to read:

4. DEPARTMENTAL COOPERATION. Every department of city government shall cooperate with the labor negotiator to the end that he >>or she<< may discharge his >>or her<< duties and responsibilities as contemplated by this section; departments are directed to cooperate fully with the labor negotiator in this purpose.

Part 10. Section 340-11-5 of the code is created to read:

5. DISCIPLINARY GRIEVANCE PROCEDURE. a. General. The department of employee relations shall be the official agency for the settlement of grievances stemming from written warnings or unpaid disciplinary suspensions that are not appealable to the board of city service commissioners. The department shall establish and administer a procedure to hear disciplinary grievances.

b. Eligibility. An employee who is not subject to the rules of the city service commission under s.

63.27, Wis. Stats., shall not be covered by this section, except in a case where the employee has attained regular status in a different civil service employment. A regularly-appointed employee, having passed probation, may use the grievance procedure established by the department when he or she receives a written warning or unpaid suspension of one to 15 days. Other disciplinary appeals shall be handled under the applicable rules of the city service commission.

c. Procedure. Employees and supervisors shall make all reasonable efforts to resolve any concerns, questions or misunderstandings that have arisen from the imposition of discipline before filing grievances. The labor negotiator shall conduct a final independent review of the circumstances of each disciplinary grievance and determine whether the disciplinary action was reasonable under the circumstances. The labor negotiator shall have the authority to either affirm, reduce or set aside associated disciplinary actions.

Part 11. Section 350-241 of the code is repealed.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

Department of Employee Relations

LRB175898-1

Jeff Osterman

02/24/2020