



Fire and Police Commission

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TO: Fire and Police Commissioners
FROM: MaryNell Regan, Executive Director
SUBJECT: Residency Requirement
DATE: August 30, 2016

On July 26, 2016 the Common Council of the City of Milwaukee adopted legislation that imposes a residency requirement on law enforcement, fire, and emergency personnel to reside within 15 miles of the jurisdictional boundaries of the City. This charter ordinance, adopted pursuant to Wis. Stat. Sec. 66.0502 (4)(b), applies to all sworn members of the departments and provides that the Fire and Police Commission will designate "emergency personnel." This will become effective October 11, 2016.

The proposed amendments to Rules V and XIV of the Board of Fire and Police Commissioners will allow the Board to administer, interpret, and enforce the provisions of the requirements for sworn members and persons identified as "emergency personnel." Additionally, Rule V is being updated to reflect position changes consistent with Board action over the past several years.

The process followed by the Fire and Police Commission to identify and recommend emergency classification included researching the legislative record to determine the intent or rationale for Wis. Stat. Sec. 66.0502 (4)(b); a review of what other jurisdictions in the state have included as "emergency personnel;" and discussions with the Police and Fire Departments regarding the nature and scope of emergency activities, required staffing, required supervision, and the resources needed to protect life and property during an emergency response.

In general, functions and programs that are staffed on a 24/7 basis have been excluded from emergency classification. Positions recommended as "emergency" for purposes of the residency requirement include those that require incumbents to be available to immediately respond in case of an emergency. In terms of managers, these individuals are responsible for assessing the situation and coordinating personnel and equipment to resolve the emergency. The positions recommended for Police include: Police Information Systems Director, Emergency Communications Manager, Communications Systems Manager, and Police Facilities Manager; and for Fire: Fire Technical Services Manager, Fire Dispatch Manager, Fire Equipment Repairs Manager, and Fire Equipment Repairs Supervisor.

In terms of non-management civilian positions, the positions of Police Aide and Fire Cadet have been recommended as "emergency personnel" for necessary staffing during times of emergency response to secure the health, safety, and protection of residents and property of the city.

The proposed language of Rules V and XIV also makes clear that all employees hired into a position subject to this residency requirement, and any incumbent employee who at any time has his/her position designated as subject to this residency requirement, shall be granted a period of time not to exceed six months from the date of hire or the date upon which the emergency designation becomes effective to become compliant with the requirement. Consistent with Sections 5.02-5 and 5.02-6 of the Charter, eligible employees may also pursue extensions and hardship exceptions.

After the initial introduction of the rule changes, it is our intent to reach out to all individuals holding positions designated as emergency to explain the rationale for the inclusion and to answer any questions or concerns they may have.

I look forward to discussing the proposed rule changes with the Board at both the September 1st and 15th meetings.

MNR

RULE XIV.

RESIDENCY

- Section 1. All sworn law enforcement, sworn fire, and emergency personnel as set forth in Rule V, supra, are bound by City of Milwaukee Charter provisions regarding residency and are required to establish and maintain an actual and bona fide residence within 15 miles of the jurisdictional boundaries of the City of Milwaukee throughout the period of employment by the City. ~~employees of the City of Milwaukee, including all members of the Fire Department and Police Department, are bound by City of Milwaukee Charter provisions regarding residency and are required to establish and maintain their actual and bona fide residence within the boundaries of the city throughout the period of employment by the city. It is strongly presumed that adequate housing, transportation, educational opportunities, health care and other amenities exist within the City of Milwaukee so as to permit all employees to establish and maintain a bona fide residence within the boundaries of the city as required. (Rev. 10/3/02.)~~
- Section 2. Unless an extension of time to establish residency or a temporary exemption exception from the residency requirement has been granted by the Board, failure of any employee subject to this rule of the Milwaukee Fire Department or Milwaukee Police Department to reside within 15 miles of the jurisdictional the boundaries of the City of Milwaukee shall render that employee ineligible for continued employment and shall result in the employee being separated from service. ~~termination of that employee. (Rev. 10/3/02.)~~
- Section 3. All new employees hired into a position subject to this residency requirement, and any incumbent employee who at any time has his/her position designated as subject to this residency requirement, shall be granted a period of time not to exceed six (6) months from the date of hire or the date the requirement becomes effective. ~~of the Fire Department or Police Department who are not already employees of the City of Milwaukee shall be granted a period of time not to exceed six (6) months from the date of hire to establish a residence within the boundaries of the City of Milwaukee. All individuals who are hired as members of the Fire Department or Police Department are expected, upon being hired, to immediately begin taking all steps necessary to meet the residency requirement within six (6) months of the date of hire. Extensions of the six (6) month time period for establishing a bona fide residence within the City of Milwaukee are not favored and will not be granted absent extraordinary circumstances. (Rev. 10/3/02.)~~
- Section 4. Any newly hired member of the Fire Department or Police Department employee subject to this residency requirement who believes it may be necessary to request an extension of the time period for establishing residency, or any other member who believes that it may be necessary to request a temporary exemption exception from the residency requirement, shall file such request in writing with the Fire and Police Commission, together with copies of all supporting documentation, at least

fifteen (15) calendar days prior to the date on which the extension or temporary ~~exemption-exception~~ is anticipated to begin. Failure to file the request on a timely basis, absent extraordinary circumstances, shall be grounds for denial. The requestor shall forward a copy of the request to the Chief of the respective department. (Rev. 12/4/08.)

Section 5. Any request for an extension or temporary ~~exemption-exception~~ shall specify, in detail, the reason(s) for the request and shall be accompanied by copies of all documentary evidence in support thereof including, but not limited to, real estate listing contracts, apartment leases, medical reports, educational reports, etc. Failure to supply appropriate supporting documentation together with the request shall be grounds for denial of the request. The burden of proof regarding whether or not a request for an extension or temporary ~~exemption-exception~~ should be granted shall at all times be on the requestor. ~~There is a strong presumption against the granting of all such requests absent extraordinary circumstances.~~ (Rev. 10/3/02.)

Section 6. Any request for an extension or temporary ~~exemption-exception~~ or supporting documentation which contains medical information shall be treated and maintained as confidential by the Fire and Police Commission, the Fire and Police Departments, and their respective staffs. Such information shall be utilized solely for the purpose of evaluating the request for extension or temporary ~~exemption-exception~~, and no further release of such information may be made other than to individuals, entities, corporations or health care providers referred to therein for the purpose of verifying and/or clarifying information contained in the request. (Rev. 10/3/02.)

Section 7. Upon receipt of a request and appropriate supporting documentation, the request shall may be referred to Fire and Police Commission staff for investigation and preparation of a report, if necessary, to be submitted to the Board. Any employee making a request shall, upon request, immediately provide any and all releases necessary for Commission staff to obtain additional information, including medical information that may have a bearing upon the request. Failure by the employee to immediately supply the necessary releases shall be deemed a failure to cooperate and shall result in denial of the request for extension. (Rev. 12/4/08.)

Section 8. The Board shall not be limited to information supplied by the requestor. Staff may seek and obtain additional information which is relevant to the request. Upon completion of its investigation, staff shall may prepare a written report and the Board may pose questions to the requestor. ~~Copies of any additional information obtained by staff, along with a copy of the report to the Board, shall be supplied to the requestor.~~ (Rev. 12/4/08)

Section 9. The Board may approve, modify, or deny requests for extensions or temporary exceptions from the residency requirement in accordance with the authority delegated to it by the City Charter. ~~The Board shall review the request, supporting documentation, and the report of staff prior to making its decision at a public~~

~~meeting with the understanding that the report is conclusive and should be adopted unless good cause to the contrary is shown. The employee requesting the extension or temporary exemption shall be notified of the meeting and invited to address the Board. Board members may pose questions to the employee. A roll call vote will be taken on the request. The decision of the Board may be to grant the request as made, or grant the request with modifications, or deny the request in whole or in part. The decision of the Board will be reduced to writing and a copy forwarded to the employee and the respective Department within ten (10) calendar days of the vote by the Board. (Rev. 12/4/08.)~~

~~Section 10. All employees of the Fire Department and Police Department shall complete a "Residency Requirement Compliance Certification" in a form approved by the Board. A new certification shall be completed within 72 hours of a change in residence. Each certification shall be maintained and reviewed by the respective department. (Rev. 9/16/10)~~

~~Section 101. All employees of the Any employee of the Fire Department or Police Department that uses living quarters outside the corporate limits of the City of Milwaukee on a regular or frequent basis, excluding a vacation property or cottage, shall indicate with particularity such usage when completing the "Residency Requirement Compliance Certification." shall advise their respective departments within 72 hours of a change in residence on the department's required form. Each submission shall be reviewed and maintained by the respective department. Any employee with questions as to whether their current living arrangement complies with Section 5.02 of the City Charter shall contact their department supervisor prior to completing the certification form. (Rev. 9/16/10)~~

RULE V.

CLASSIFICATIONS

Section 1. The following shall be classified as sworn personnel titles in the Fire Department:
(Rev. 7/11/13)

Administrative Fire Captain (E)
Administrative Fire Lieutenant (E)
Assistant Fire Chief (E)
Battalion Chief, Fire (E)
~~Battalion Chief, Fire-EMS (E)~~
Deputy Chief, Fire (E)
Fire Captain
Fire Captain – Incident Safety Officer (E)
Fire Chief (E)
Fire Lieutenant
Fire Paramedic
Fire Paramedic Field Lieutenant
Firefighter
Heavy Equipment Operator
Vehicle Operations Instructor (E)
Vehicle Operations Training Coordinator (E)

Section 2. The following shall be classified as non-sworn (civilian) personnel titles in the Fire Department: (Rev. 3/17/16)

Accounting Assistant III
Administrative Assistant IV
Athletic Trainer (E)
Business Finance Manager
Carpenter
Custodial Worker II/City Laborer
Data-~~B~~base Specialist
Fire Building and Equipment Maintenance Specialist
Fire Cadet (EP)
Fire Dispatch Manager (E) (EP)
Fire Dispatch Supervisor (E)
Fire Equipment Compressed Air Technician
Fire Equipment Dispatcher
Fire Equipment Machinist
Fire Equipment Mechanic
Fire Equipment Repairer I, II
Fire Equipment Repairs Manager (EP)
Fire Equipment Repairs Supervisor (EP)
Fire Equipment Welder
Fire Health and Safety Manager

Fire Information Technology Manager (EP)

Fire Mechanic Helper

Fire Medical Officer

Fire Personnel Officer

~~Fire Technical Services Manager~~

~~Health and Safety Officer~~

Inventory Control Assistant III

Media Specialist

Microcomputer Services Assistant

Network Coordinator-Senior

Network Coordinator-Associate

Office Assistant II, III, IV

Office Coordinator, Office Coordinator II

Painter

Personnel Payroll Assistant II

Program Assistant II

Section 3. The following shall be classified as sworn personnel titles in the Police Department: (Rev. 1/18/07)

Administrative Lieutenant of Police (Health and Safety) (E)

Administrative Lieutenant of Police (E)

Assistant Chief of Police (E)

Captain of Police (E)

~~Chief Document Examiner (E)~~

Chief Latent Print Examiner

Chief of Police (E)

Court Liaison Officer

~~Deputy Chief of Police (E)~~

Deputy Inspector of Police (E)

Detective

Document Examiner (E)

Forensic Investigator

Forensic Video Examiner

Identification Systems Specialist (E)

~~Identification Technician (E)~~

Inspector of Police (E)

Latent Print Examiner (E)

~~Lieutenant of Detectives~~

~~Lieutenant of Police~~

Police Alarm Operator (E)

Police Audiovisual Specialist (E)

~~Police Electronic Technician Foreman~~

Police Identification Supervisor

Police Lieutenant

Police Officer

Police Sergeant

Section 4. The following shall be classified as non-sworn (civilian) personnel titles in the Police Department: (Rev. 1/21/16)

Accountant I, III
Accounting Assistant I, II
Administrative Assistant I, II, ~~III, IV~~
~~Administrative Services Specialist (E)~~
~~Administrative Specialist~~
~~Administrative Specialist-Senior (E)~~
~~Audiovisual Specialist I, II~~
~~Building Maintenance Assistant Manager~~
Building Maintenance Mechanic II
Building Maintenance Supervisor I, II
Chief of Staff - Police
Communications Systems Manager (E) (EP)
Community Service Officer (E)
Crime Analyst (E)
Crime and Intelligence Manager
~~Crime & Intelligence Specialist (E)~~
Custodial Worker II-City Laborer
Data Communications Specialist (E)
~~Data Entry Operator I, II~~
Data Services Manager
Database Analyst (E)
Domestic Violence Victim Liaison
Electronic Technician
Electronic Technician Supervisor
Emergency Communications Operator II
Emergency Communications Manager (E) (EP)
Emergency Vehicle Equipment Installer
~~Fleet Maintenance Supervisor~~
Garage Attendant
Graphics Designer II
Health and Safety Officer
Health and Safety Specialist
Heating and Ventilating Mechanic II
Helpdesk Specialist I, II
Human Resources Administrator
Human Resources Analyst—Sr.
Human Resources Specialist
Information Services Manager
~~Information Systems Manager MPD (E)~~
Inventory Control Assistant II, III
IT Support Specialist-Senior (E)

~~Lead Police Telecommunicator~~
Mail Processor
Maintenance Technician II
Media Producer (E)
Microfilm Technician I
MPD Safety Division Manager
Network Coordinator-Senior
Network Manager
Office Assistant I, II, III, IV
~~Office Coordinator~~
Office Supervisor II
~~Personnel Analyst~~
~~Personnel Analyst-Senior~~
~~Personnel Officer~~
Personnel Payroll Assistant I, II, III
Police Aide (EP)
~~Police Buildings and Fleet Manager~~
Police Budget and Administration Manager (E)
~~Police Department Personnel Administrator~~
~~Police Dispatcher~~
Police District Office Assistant
Police Facilities Assistant Manager
Police Facilities Manager (EP)
Police Fleet Manager
Police Fleet Supervisor
Police Information Systems Director (EP)
Police Payroll Supervisor
Police Planning and Policy Director
Police Records Assistant Manager
Police Records Manager
Police Records Specialist III
Police Records Supervisor
Police Services Specialist (E)
Police Services Specialist – Investigator (E)
~~Police Telecommunicator~~
~~Police Telecommunicator (Seasonal)~~
Printer
~~Printing and Stores Supervisor~~Printing, Stores, and Building Services Supervisor
~~Production Designer II~~
~~Programmer II~~
Programmer Analyst
Property Control Manager
~~Safety Director (E)~~
~~Safety Specialist~~
Safety Specialist-Senior
School Crossing Guard (E)

~~School Crossing Guard (Auxiliary) (E)~~

~~School Crossing Guard Dispatcher~~

~~School Crossing Guard Operator~~

~~Sensitive Crimes Project Coordinator~~

Staff Assistant - Sr.

Systems Analyst-Project Leader

Systems Analyst-Senior

~~Systems Coordinator~~

Systems Security Administrator

Telecommunications Specialist

Telecommunications Supervisor

Teller

Transcriptionist ~~H~~, III

Vehicle Services Assistant

Video Electronic Technician

Section 5. Positions in Sections 1, 2, 3, and 4 above which are designated with “(E)” shall be exempt from competitive examination unless otherwise determined by the Board.
(Rev. 7/26/01)

Section 6. Positions in Sections 2 and 4 above which are designated with “(EP)” shall be considered emergency personnel pursuant to Wis. Stat. Sec. 66.0502 (4(b)).

FPC – 9/1/16