

## CHAPTER 20

## CITY EMPLOYEE RELATIONSHIP

- 20.01 City Employee Relationship
  - (1) Physical Examination of Employees
  - (2) Non-represented Personnel
  - (3) Employee Residency Requirement
- 20.02 Mandatory Retirement Age
  - (1) Protective Occupations Participants
  - (1m) Suspension of Protective Occupation Participant Mandatory Retirement Age
  - (2) End of the Calendar Quarter
  - (3) Extensions
  - (4) Notification
- 20.03 Hire or Promotion of Close Relatives.
- 20.04 Biweekly Pay for Certain Employees
  - (1) Employees Affected.
  - (2) Payments.
  - (3) Non-effective, When.
  - (4) Intent.

**20.01 City-Employee Relationship.****(1) Physical Examination of Employees.**

**(a) Examination Prerequisite to Employment.** All applicants, before entering into employment with the City of Manitowoc, shall be required to pass a full and complete physical examination to determine their fitness before being eligible to become City employees except the Recreation Director may waive this requirement for part-time Recreation Department employees. The Employee Relations Committee of the Manitowoc Common Council may make further exceptions to this Ordinance.

**(b) Council to Designate.** Such examination shall be given by the medical personnel designated by Resolution by the Common Council. The Finance Director shall notify the medical personnel of the examination and said examination shall be conducted without cost to the prospective employee. The examination shall be a full and complete examination.

**(2) Non-represented Personnel.** Employee working conditions and benefits for non-represented personnel shall be as determined by Resolution or Ordinance of the Mayor and Common Council.

**(3) Employee Residency Requirement.**

**(a) Residency.** All non-represented employees eligible for appointment to a Department Head position, who is not a resident of the City of Manitowoc at the time of appointment shall move into the City limits of the City of Manitowoc within one (1) year of appointment to the Department Head position. Said Department Head employee shall remain a resident of the City for the duration of their employment with the City.

**(b) Waiver.** Permission may be granted by recommendation of the Personnel Committee and approval by the Common Council to waive the requirement of residency for a Department Head for hardship or other extenuating circumstances.

**(c) Extension.** Permission may be granted to a Department Head to extend the one (1) year requirement to establish City residency upon a request made by the employee to the Personnel Committee and approval by the Common Council.

**(d) Discharge.** Residency outside the City limits of the City of Manitowoc after the one (1) year grace period, without being granted approval of the Common Council may result in discharge from employment with the City.

**(e) Hearing.** Prior to discharge from employment, any employee required to establish residency, but failing to do so within the time period required, shall have the right to be heard in front of the Personnel Committee. The Chair of the Personnel Committee shall give the employee no less than ten (10) calendar days notice of the hearing date. The hearing shall be conducted informally with the employee presenting their case first. Either side may present witnesses of their choice and the employee may be represented by an attorney. After all testimony is taken, the Personnel Committee shall make a written recommendation within ten (10) calendar days to the Common Council on the continued employment of the Department Head. The decision of the Common Council shall be final.

**(f) Exemption.** Any employee currently employed as a department head by the City of Manitowoc and not residing within the City of Manitowoc on the effective day of this Ordinance, is exempt from the residency requirements of this Ordinance.

#### **20.02 Mandatory Retirement Age.**

**(1) Protective Occupations Participants.** Protective Occupation Participants, as defined in Wis. Stat. 40.02(48), except the Police Chief, and the Fire Chief, shall be required to retire at the end of the calendar quarter during which the employee reaches the age of 55 years.

**(1m) Suspension of Protective Occupation Participant Mandatory Retirement Age.** Enforcement of subsection (1) above shall be suspended until repeal of this subsection (1m) by the Common Council.

**CITY OF MANITOWOC**

**CITY EMPLOYEE RELATIONSHIP, 20.02**

**(2) End of the Calendar Quarter.** The phrase "end of the calendar quarter" shall be defined as March 31, June 30, September 30 or December 31, as applicable. An employee who reaches the mandatory retirement age on the last day of a calendar quarter shall be required to retire on that date.

**(3) Extensions.** Extensions beyond the mandatory retirement age may be granted by the Common Council.

**(4) Notification.** The Finance Director is instructed to notify the Department Head and the City Attorney of the name of any employee who is approaching the mandatory retirement age at least 60 days prior to the required retirement date.<sup>2</sup>

#### **20.03 Hire or Promotion of Close Relatives.**

No close relative of any elected official, department head or other supervisory personnel of the City of Manitowoc shall be hired or promoted to any position of employment within the City unless such hiring or promotion shall be first approved by a roll call vote of the Common Council. As used herein, the term "close relative" shall mean any spouse, parent, child, grandchild, brother, sister, niece, nephew, brother-in-law, sister-in-law, son-in-law or daughter-in-law. This section shall not apply to hirings or promotions subject to approval by the Police and Fire Commission under Wis. Stat. 62.13 or to promotions which are required by collective bargaining agreements to be awarded to the most senior qualified applicant.

#### **20.04 Biweekly Pay For Certain Employees.**

(1) **Employees Affected.** Unless otherwise stated by Elective Bargaining Agreement, all employees of the City of Manitowoc whose compensation for services performed for the City has been fixed by action of the Common Council at a rate of pay per hour of employment and for the payment of which funds have been duly appropriated by the Common Council shall be paid each second Friday for services performed during the two weeks ending on the last preceding Saturday.

(2) **Payments.** The payments provided for in subsection (1) of this section shall be made only upon the following procedure. The head of each department of the City, by whatever name known, shall not later than each Monday noon preceding each biweekly payday, file with the Finance Director a payroll of his department covering services performed during the last preceding two weeks calendar period by employees on an hourly basis of compensation reciting therein the name of each employee, the number of hours of service, the rate of wages and the sum due to each employee, which payroll shall be certified and subscribed by such head. Each such head shall on each such preceding Monday deliver the original copy of payroll for such preceding two weeks period to the Comptroller, a copy to the Mayor, a copy to the Chairman of the Common Council's committee to whom matters pertaining to the department are usually referred and such head shall at the same time file and retain a copy of such payroll in his office. Each such payroll shall contain such other information and be in such form as the Finance Director may prescribe. The Mayor and Finance Director are hereby authorized to draw upon any proper available City fund for the payment of all sums shown by such payrolls to be due.

**CITY EMPLOYEE RELATIONSHIP, 20.04**

**CITY OF MANITOWOC**

(3) **Non-effective, When.** This section shall not affect existing ordinance, rule, custom or practice in respect to the payment of City officers or employees other than those paid on an hourly wage rate basis.

(4) **Intent.** This section is intended to assign to the heads of City departments the clerical duty of reporting the hours of employment of the employees affected, and is not intended to be capable of the interpretation of attempting a delegation of authority to anyone to exercise discretion to determine whether public funds shall, or shall not, in any instance be disbursed.