



Legislation Details (With Text)

**File #:** 32170      **Version:** 1      **Name:** Residency - non-charter  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/12/2013      **In control:** COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)  
**On agenda:** 12/3/2013      **Final action:** 12/3/2013  
**Enactment date:** 12/11/2013      **Enactment #:** ORD-13-00207

**Title:** Amending Sections 3.30(2), repealing Sections 3.38(1)(m) and 3.53(10)(a), creating Section 3.53(24)(h), and renumbering Sections 3.53(24)(h) through (l) to Sections 3.53(24)(i) through (m) of the Madison General Ordinances to delete residency requirements pursuant to change in state law.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/3/2013	1	COMMON COUNCIL	Adopt	Pass
12/3/2013	1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
11/25/2013	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/19/2013	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
11/19/2013	1	COMMON COUNCIL	Referred	
11/12/2013	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

The fiscal effect of this proposed ordinance is indeterminate. Allowing employees in compensation groups 18 (professional and supervisory) and 44 (transit professional and supervisory) to reside outside of Dane County may broaden the pool of candidates associated with filling positions in these compensation groups. Furthermore, allowing these employees to live outside Dane County may result in additional compensation costs associated with travel time under certain conditions (e.g., inability to come into work due to weather conditions). The ordinance change and the potential fiscal effects are the result of prohibitions on local government employee residency requirements that were adopted as part of 2013 Wisconsin Act 20.

**Title**

Amending Sections 3.30(2), repealing Sections 3.38(1)(m) and 3.53(10)(a), creating Section 3.53(24)(h), and renumbering Sections 3.53(24)(h) through (l) to Sections 3.53(24)(i) through (m) of the Madison General Ordinances to delete residency requirements pursuant to change in state law.

**Body**

DRAFTER'S ANALYSIS: This is a companion ordinance to the Charter Ordinance on residency, Legistar 32169. It should not be considered unless the Charter Ordinance is approved. This ordinance makes the non-charter provisions of the ordinances consistent with the Charter Ordinance on residency. It removes remaining existing residency rules for all but a few employees, pursuant to recent changes in state law. The companion Charter Ordinance retains residency for Compensation Group 21 and mayoral assistants. Sec.

3.38(1)(m)4. and the third paragraph of Sec. 3.53(10)(a) have been combined and recreated for inclusion in the layoff section for clarity and continuity.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) entitled "Residence" of Section 3.30 entitled "Qualifications--City Officers, Members of Commissions, and Employees" of the Madison General Ordinances is amended to read as follows:

"(2) Residence: Boards, Commissions and Committees. ~~Each person holding or who is eligible for appointment or employment to a position in Compensation Group 21, Secretary to the Mayor, Mayoral Assistant or Library Development Director shall be a resident of the City of Madison unless permission to reside outside the City of Madison is granted in writing by the Mayor. Each person holding or who is eligible for appointment or employment as an employee in a position in Compensation Groups 18 and 44 shall be a resident of Dane County unless permission to reside outside Dane County is granted in writing by the Mayor.~~ Each person who is or shall be eligible for appointment as a member of a City of Madison board, committee or commission shall be a resident of the City of Madison, provided, however, that this provision shall not apply to a member of or candidate for appointment to a City of Madison board, committee or commission where, in the judgment of the Mayor and two-thirds (2/3) of the Common Council, the best interests of the City will be served by the appointment of a non-resident member who is particularly well qualified by reasons of education, background, and experience with Madison business concerns or other Madison-based employers and the Mayor specifies fully to the Common Council the reasons why he or she is recommending such appointment. The provisions of this subsection shall not apply to persons who are employed under a joint and cooperative arrangement with Dane County, nor shall it apply to appointments to the Equal Opportunities Commission Employment Committee if the appointee works for a business located in Madison.

In the event that any person required to reside in the City of Madison or ~~any person required to reside in Dane County~~ ceases to reside in his or her respective jurisdiction, his or her position shall be deemed vacated. Such vacancy shall be filled in the manner prescribed by law or ordinance for the original appointment of that position."

2. Subdivision (m) entitled "Residency Requirement of Subsection (1) of Section 3.38 entitled "Nonrepresented Transit Division Employees" of the Madison General Ordinances is hereby repealed.

3. Subdivision (a) entitled "Residency" of Subsection (10) entitled "Appointments in Civil Service" of Section 3.53 entitled "Civil Service System" of the Madison General Ordinances is hereby repealed.

4. New Subdivision (h) entitled "Residency" of Subsection (24) entitled "Layoff" of Section 3.53 entitled "Civil Service System" of the Madison General Ordinances is created to read as follows:

"(h) Residency. For purposes of layoff, if employees have equal lengths of service, those employees who reside in the City of Madison shall be laid off only after employees who do not reside in the City of Madison."

5. Current Subdivisions (h) through (l) of Subsection (24) entitled "Layoff" of Section 3.53 entitled "Civil Service System" of the Madison General Ordinances are renumbered to Subdivisions (i) through (m), respectively.

EDITOR'S NOTES:

1. Section 3.38(1)(m) currently reads:

"(m) Residency Requirement.

1. Notwithstanding the provisions of Sections 3.30 and 3.53(10) of the Madison General Ordinances, all employees hired on or after the 1st day of November, 1983, shall, within sixty (60) days following the completion of their probationary period, become subject to any applicable Ordinance requiring residency in the City of Madison as a condition of employment.
2. All employees employed on or before the 31st day of October, 1983, shall not be subject to any Ordinance requiring residency in the City of Madison as a condition of employment except that:
  - a. Any of said employees who reside within the City of Madison on the 31st day of

- October, 1987, shall then automatically become subject to such ordinance;
- b. Any of said employees who elect to establish residency within the City of Madison at any time after the 1st day of November, 1987, shall then automatically become subject to any such Ordinance.
  - c. Any employee who is appointed or has been appointed to a City position outside the Transit Department shall, within sixty (60) days following completion of either their probationary period or trial period, whichever is applicable, become subject in all respects to any Ordinance, resolution or law requiring residency within the City of Madison as a condition of employment.
3. As of the date of publication of this provision, those employees who had been required to establish and maintain residence within the City of Madison shall be permitted to establish and maintain residence within Dane County unless permission to reside outside Dane County is granted in writing by the Mayor. In the event an employee required to reside in Dane County ceases to maintain residency therein, his or her position shall be deemed vacated. The vacancy shall be filled in accord with standard City procedures.
  4. For purposes of layoff, if employees have equal lengths of service, those employees who reside in the City of Madison shall be laid off only after employees who do not reside in the City of Madison.”
2. Section 3.53(10)(a) currently reads:
- “(a) Residency. Every person appointed to any permanent position in the classified civil service in Compensation Groups 18 and 44, and 19 other than mayoral aides, Secretary to the Mayor or Library Development Director, shall establish residence within Dane County within sixty (60) days after the completion of his or her probationary period. An employee who moves by any City personnel transaction from a position which does not require residence within Dane County to one which requires such residence shall establish residence within Dane County within two hundred forty (240) days of the change in position.
- All persons who are required to reside within Dane County shall maintain such residence during the period of his or her City employment unless permission to reside outside Dane County is granted in writing by the Mayor. In the event any City employee required to reside in Dane County ceases to maintain residence therein, his or her position shall be deemed vacated. The vacancy shall be filled in accord with standard City procedures.
- For purposes of layoff, if employees have equal lengths of service, those employees who reside in the City of Madison shall be laid off only after employees who do not reside in the City of Madison.”