



Legislation Text

File #: 81978, Version: 1

Fiscal Note

The proposed ordinance changes would align City ordinances with the revised Personnel Rules, which were introduced in 2023 (Legistar File #81367). There is no fiscal impact to the proposed changes.

Title

Combining subsections (a) and (b) of subsection (13) and creating a new subsection (b) of subsection (13) of Section 3.54 entitled "Compensation Plan"; creating subsection (j) of subsection (1) of Section 3.53 "Civil Service System;" amending subsection (9) of Section 3.53 "Civil Service System" of the Madison General Ordinances to mirror changes to the Personnel Rules.

Body

DRAFTER'S ANALYSIS: In January 2023, Human Resources introduced revisions to the City's Personnel Rules (Legistar File #81367). These ordinance changes mirror the revisions to the City's Personnel Rules in cases where the subject is addressed in both the Ordinances and the Personnel Rules.

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

1. Subsection (13) entitled "Positions Filled in Temporary or Acting Capacity" of Section 3.54 entitled "Compensation Plan" is amended as follows:

"(13) Positions Filled in Temporary or Acting Capacity.

- (a) Members of the Police Department and Fire Department filling temporarily, or in an acting capacity, a position in a higher or different rank shall be entitled, while filling such position, to the salary pertaining thereto.
- (b) ~~Members of the Police Department~~ Permanent full time employees, filling temporarily, or in an acting capacity, a position in a higher or different rank shall be entitled, while filling such position, to the salary pertaining thereto.
- (c) Members of Compensation Group 18 and 44 filling temporarily, or in an acting capacity, the full duties and responsibilities of a position within a higher salary range in Compensation Group 18 or 44 shall be entitled, while filling such position, to a salary advancement to the minimum of the new range or to the lowest step in the new pay range which represents an increase of at least five percent (5%) over the current biweekly rate not to exceed the maximum of the range. Members of Compensation Group 18 and 44 filling temporarily, or in an acting capacity, the full duties and responsibilities of a position within Compensation Group 21 shall be entitled, while filling such position, to at least the minimum salary pertaining thereto.

2. Subsection (1) entitled "Civil Service System Created - Exceptions Therefrom" of Section 3.54 entitled "Civil Service System" is amended as follows:

- (1) Civil Service Created - Exceptions Therefrom. There is hereby created a civil service system for the City of Madison. The term Civil Service System is defined as those provisions contained in or promulgated pursuant to Section 3.53 of the Madison General Ordinances and the City of Madison

Personnel Rules. All City officers and employees except those specified below shall be selected, hold their status and be subject to Section 3.53 of the Madison General Ordinances.

- (a) Officials elected by the people.
- (b) The Mayor.
- (c) Members of committees, boards and commissions who do not otherwise hold civil service status.
- (d) Election officials who do not otherwise hold civil service status.
- (e) Commissioned personnel of the Police and Fire Departments subject to Wis. Stat. § 62.13.
- (f) Crossing guards except where named in specific provisions.
- (g) Deputy Mayor. (Editor's Note: See Section 3.03(3)).
- (h) All positions in Compensation Group 19.
- (i) All positions in Compensation Group 21.
- (j) All non-permanent appointments.

3. Subdivision (g) entitled "Decision" of Subsection (9) entitled "Grievance and Arbitration Procedure for General Municipal Employees" of Section 3.53 entitled "Civil Service System" is amended as follows:

- "(g) Decision. The arbitrator shall submit their ~~his or her~~ decision affirming or reversing the action with their ~~his/her~~ reasons in writing to the parties within sixty (60) calendar days of the close of the hearing or the submission of the parties' briefs, whichever is later. No decision may be retroactive for a period greater than thirty (30) days prior to the presentation of the grievance in Step One. The Human Resources Director shall mail a copy of the arbitrator's determination to the last known address of each of the parties. ~~The decision of the arbitrator is final and binding without recourse to further appeal.~~

4. Subdivision (h) entitled "Appeal to Personnel Board" and Subdivision (i) entitled "Appeal to Circuit Court" of Subsection (9) entitled "Grievance and Arbitration Procedure for General Municipal Employees" of Section 3.53 entitled "Civil Service System" are created as follows:

- (h) Appeal to Personnel Board. Within fourteen (14) days of such mailing, either party may file with the Human Resources Director a written notice of appeal of the arbitrator's decision to the Personnel Board.
- 1. Any such appeal shall be on the written record, the preparation of which shall be the responsibility of the party seeking appeal.
 - 2. The appealing party shall supply a copy of the written record to the other party without charge.
 - 3. The written record shall be filed with the Human Resources Director within twenty (20) days of the notice of appeal unless the Board extends such time.
 - 4. The Board shall receive no further evidence on the matter but may request additional briefs of the parties on matters which were raised before the arbitrator and shall permit the parties to provide briefs at the request of either party.
 - 5. The Board shall have the right to secure outside counsel if necessary during this process.
 - 6. Within sixty (60) days of the receipt of the written record, the Board shall make and file its decision with the Human Resources Director.

7. The Human Resources Director shall within five (5) days mail a copy of the decision to the last known address of each of the parties.
 8. The arbitrator's decision shall be affirmed if the Board determines that credible evidence in the record and subsequent briefs support it. Deference shall be given by the Board to the decision of the arbitrator. 9. If the determination is not supported by a majority of the Board, the Board may reverse the determination or modify it to serve the best interest of the City service.
- (i) Appeal to Circuit Court. In cases involving discipline or termination, either party may, within thirty (30) calendar days of the mailing of the Board's decision, commence judicial action to review the decision of the Board. If no party seeks judicial review within thirty (30) calendar days, the decision of the Board shall become final. In cases involving safety concerns, the decision of the Board is the final disposition of the matter."