

**City of Waukesha, Wisconsin**

**Ordinance No. \_\_\_\_-19**

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**An Ordinance Amending Subsections (2) and (6) and Repealing Subsection (3) of Section 2.07 of the Waukesha Municipal Code, Regarding Fire and Police Administration**

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**Whereas** section 2.07 of the Municipal Code sets forth administrative requirements for the Police and Fire Departments, many of which are mandated by Wis. Stat. §62.13; and

**Whereas** the Fire Department concludes it no longer needs to regulate certain aspects of outside employment of its employees as long as sufficient restrictions are in place to ensure its employees fulfill their duties to the Department; and

**Whereas** the Fire Department also deems section 2.07(3), which authorizes the Fire Department to create rules its employees must follow to leave the City, unnecessary and superfluous because Wis. Stat. §62.13(10m), “Rules governing leaving city,” already authorizes taking the action described in (3); and

**Whereas** the Police Department requires changes to certain provisions in this section so that the ordinance accurately reflects its labor agreement and policies and procedures;

**Now, therefore,** the Common Council of the City of Waukesha do ordain as follows:

**Section 1.** Subsections 2.07(2) and (6) of the Municipal Code are hereby amended to read as follows:

**2.07 Police and Fire Administration**

...

(2) HOURS.

(a) ...

(b) Police Department.

1. Work Days. Officers shall follow the work schedule dictated by their labor agreement. The Council shall provide for a

~~working day of not more than 8 hours in each 24, except in cases of positive necessity caused by some sudden and serious emergency, which in the judgment of the Chief of Police demands that such work day be extended beyond the 8-hour period at such time, and when such emergency ceases to exist all over time given during such emergency shall be placed to the credit of such policeman and additional days of rest given therefor.~~

2. Rest Days. The Council shall provide for and the Chief of the Police Department shall assign to each ~~policeman-subordinate~~ police officer in the service of the City 2 full rest days of 24 consecutive hours each during each 192 hours and as set forth in the off-day schedule dictated by their labor agreement, except in cases of positive necessity caused by some sudden and serious emergency, which in the judgment of the Chief of Police or other officer in charge demands that any such day of rest not be given at such time. Arrangements shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department.

...

(6) OUTSIDE EMPLOYMENT. (Am. #40-86) Police and Fire personnel, other than the Chiefs, may be employed outside of the Departments under the following conditions:

(a) All personnel are subject to call by the Chiefs for emergencies at any time.

(b) Total hours of outside work worked by Police personnel may not exceed 20 hours per week unless the employee is utilizing benefit time. the following conditions are met:

~~1. The employee is on vacation.~~

~~2. Permission has been received for an~~

~~extension of the 20 hours from the Chief or his designate.~~

~~3. All work shall terminate on any day of departmental work at least 2 hours prior to the commencement of the regular shift.~~

(c) (Am. #24-98) No sworn member of the Police ~~or Fire~~ Department shall be employed on premises licensed to sell liquor or where entertainment is offered, except that members may be employed on such premises for guard duty, policing or security purposes only and for no other purpose.

(d) No employee shall accept employment or continue in employment which creates or results in a conflict of interest with his regular duties as a member of the Police or Fire Department.

(e) The Police and Fire Chiefs may be employed outside of their respective departments under the conditions contained in pars. (a) through (d) upon approval by the Mayor.

**Section 2.** Subsection 2.07(3) of the Municipal Code is hereby repealed.

**Section 3.** This ordinance shall take effect the day after publication.

Passed the \_\_\_\_ day of \_\_\_\_\_, 2019.

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Shawn N. Reilly, Mayor

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Attest: Gina L. Kozlik, City Clerk