

## OFFICE OF THE MAYOR

201 DELAFIELD STREET  
WAUKESHA, WISCONSIN 53188-3633  
TELEPHONE 262/524-3700 FAX 262/524-3899

Shawn N. Reilly, Mayor

sreilly@waukesha-wi.gov

July 25, 2017

Dear Chief Jack,

As you are aware, the City's Human Resources Policy B-10 provides that the City shall not employ members of a present employee's immediate family within the same department where a direct supervisory relationship exists. In addition, the policy also prohibits department heads from engaging their own relatives.

It recently came to my attention that your son is presently in line to become a City of Waukesha Police Officer. After reviewing City ordinances and policies, as well as State Statutes, I conclude that your son cannot be a City of Waukesha Police Officer while you are the Chief of Police.

When we spoke late last week about this issue, you indicated that you would not be in a supervisory role over your son as a Police Officer. State Statutes are clear that you are always acting in a supervisory role over every officer in the Department. See Wis. Stats. §62.09(13)(a).

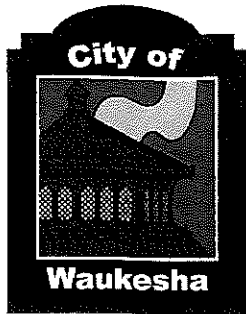
In addition, during our discussion last week, you indicated that you played no role in the hiring of your son. I understand that the Deputy Chief handled all aspects of the hiring process in regards to your son. State Statutes however, make it explicitly clear that the Police Chief is the only individual with the power to appoint subordinates. See Wis. Stats. §62.13(4)(a). With State Statutes putting the authority to appoint directly into the hands of the Chief of Police, there can be no true delegation of that authority. Not being involved in the process is not an effective method of avoiding the prohibition in the policy from influencing or engaging relatives.

As Mayor of the City of Waukesha, I am providing you with this written determination that any immediate family of the Chief of Police cannot be hired as a City of Waukesha Police Officer.

A copy of this letter is being provided to the Chair of the City of Waukesha Police and Fire Commission. I respectfully request the Police and Fire Commission review the attached City of Waukesha Policy and to take it into consideration in regards to the present issue and all future Police or Fire Department hires.

Sincerely,

Shawn Reilly  
Mayor



## CITY ADMINISTRATOR

201 DELAFIELD STREET  
WAUKESHA, WISCONSIN 53188-3633  
TELEPHONE 262/524-3701 FAX 262/524-3899

Kevin M. Lahner  
klahner@ci.waukesha.wi.us

**To:** Mayor Shawn Reilly  
**From:** Kevin Lahner, City Administrator  
**Copy:** Donna Whalen, Director of Human Resources

**Date:** July 26, 2017

**Re:** Employment of Relatives Human Resources Policy

As we previously discussed, this memo outlines my thoughts as they relate to the "Employment of Relatives" policy in the City of Waukesha and the determination of whether Police Chief Russell Jack can employ his son as a police officer in the City of Waukesha Police Department.

We discussed the issue of Derek Jack on Tuesday, July 18 as you relayed to me that Mr. Jack had informed you that he had been hired by the Police Department as a full-time police officer. Upon learning this information, I reviewed the Human Resources Policy "Employment of Relatives" which was passed by the Common Council on April 8, 2004. I also spoke to Cheryl Gemignani, the chair of the Police and Fire Commission. Ms. Gemignani indicated that the Police and Fire Commission had approved Mr. Jack as part of an eligibility list at their previous meeting. The eligibility list was forwarded to the police department as a list of individuals that were eligible to be hired. I informed Ms. Gemignani of the policy and forwarded her a copy. On Wednesday, July 19 you and I met with Chief Jack to make him aware of our concerns and that the issue needed to be reviewed. I later learned that police department personnel had selected Mr. Derek Jack as a police officer and that his name was being forwarded to the Police and Fire Commission for approval.

Upon review of the policy there are several important sections which pertain to this case. The Policy Statement (B) reads: "As a matter of policy, this City does not employ or transfer members of a present employee's immediate family within the same department where a direct supervisory relationship would exist."

Additionally, there are two important statements within the policy that apply to this issue:

"No member of a family will directly supervise another family member," and "Human Resources Department positions, department heads and those positions who influence selections will not engage their own relatives."

The policy also contains important clarifying definitions. In section "C" it defines "Employment" as "any position which is full-time, seasonal, provisional, part-time, excluding limited term employees."

"Immediate Family" is defined as "an employee's spouse, child, parent, brother, sister, and in-laws." And lastly, "Supervise" is defined as "positions with the responsibility to hire, terminate or discipline."

In addition to the policy, I reviewed Chapter 62.13 of the State Statutes and discussed the issue with the City Attorney's office. Based upon my review, it is my belief that our Human Resources policy would prohibit this employment relationship to exist. As the Police Chief, Mr. Russell Jack would meet the definition of "supervise" as defined by this



policy. Additionally, the statement "Human Resources Department positions, department heads and those who influence selections will not engage their own relatives" would also apply directly to this situation. Lastly, the addition of Mr. Derek Jack as a police officer would create a "direct supervisory relationship."

During these discussions, I learned that employment relationships existed in other departments where relatives as defined by this policy are employed as seasonal employees and/or part time employees. I believe that while well-intentioned, the decision to allow this employment relationship to exist was incorrect. Per our discussions, I will be informing all department heads that the employment of relatives within their departments will not be allowed.

**KML**

# CITY OF WAUKESHA

## HUMAN RESOURCES POLICY / PROCEDURE

**SUBJECT:**

Employment of Relatives

**ISSUED:**

4/14/04

**NO:**  
**B-10**

**SUPERCEDES:**

2/6/98

**PAGE: 1**  
**OF: 2**

### A. PURPOSE

Employment of relatives of current City employees or elected officials may cause problems for management of this City, ranging from pressure to hire, to morale problems when a relative is disciplined\*, etc. The Human Resources Committee, as authorized by the Common Council, has set this policy into writing restricting the employment of relatives based on the principle of achieving a more efficient operation and with reference to equal opportunity, affirmative action and the Ethics Code.

### B. POLICY STATEMENT

As a matter of policy, this City does not employ or transfer members of a present employee's immediate family within the same department where a direct supervisory relationship would exist.

Additionally, this policy stipulates:

- No member of a family will directly supervise another family member.
- Human Resources Department positions, department heads and those positions who influence selections will not engage their own relatives.
- All applicants for employment will follow the prescribed hiring procedures of this City.
- All applicants considered for employment will meet all minimum qualifications as listed on the relevant job description and position posting.

### C. DEFINITIONS

- (1) "Employment" shall mean any position which is full-time, seasonal, provisional, part-time excluding limited term employees.
- (2) "Employee" shall be construed as any appointed or elected person filling a City position, whether paid or unpaid.
- (3) "Immediate family" is defined as an employee's spouse, child, parent, brother, sister, and in-laws.
- (4) "Supervise" shall mean positions with the responsibility to hire, terminate or discipline.

\*Other situations: funeral leave, shift scheduling, vacation request, work assignments and flow of classified or confidential material.

**CITY OF WAUKESHA**  
**HUMAN RESOURCES POLICY / PROCEDURE**

**SUBJECT:**

Employment of Relatives

**ISSUED:**

4/14/04

**NO:**  
B-10

**SUPERCEDES:**

2/6/98

**PAGE:** 2  
**OF:** 2

It is our desire that relatives of current City employees (or elected officials) will seek to enter employment within the City; therefore no family member will be denied making application for City employment, however, no preference will be given on that basis.

As a reminder, it is the intent of the Human Resources Committee, the Mayor, and Common Council that this policy be considered part of the City's nondiscriminatory employment policy as listed under the Federal and State laws and executive orders; and is only part of a basic procedure (for recruiting and selecting employees), that does not intentionally or inadvertently work to screen out minority or female group members.

Passed this 8<sup>th</sup> day of April, 2004

Approved this 8<sup>th</sup> day of April, 2004

Carol J. Lombardi  
Mayor

ATTEST:

Thomas E. Pell  
Clerk/Treasurer

Revised 4/14/04

PERSONNEL POLICY / PROCEDURE

<b>SUBJECT:</b>  Employment of Relatives	<b>ISSUED:</b> 2/6/98	<b>NO:</b> B-10
	Supersedes: 12/4/87	Page: 1 Of: 2

A. PURPOSE

Employment of relatives of current City employees or elected officials may cause problems for management of this City, ranging from pressure to hire, to morale problems when a relative is disciplined\*, etc. The Personnel Committee, as authorized by the Common Council, has set this policy into writing restricting the employment of relatives based on the principle of achieving a more efficient operation and with reference to equal opportunity, affirmative action and the Ethics Code.

B. POLICY STATEMENT

As a matter of policy, this City does not employ or transfer members of a present employee's immediate family within the same department where a direct supervisory relationship would exist.

Additionally, this policy stipulates:

- No member of a family will directly supervise another family member.
- Personnel office positions, department heads and those positions who influence selections will not engage their own relatives.
- All applicants for employment will follow the prescribed hiring procedures of this City.
- All applicants considered for employment will meet all minimum qualifications as listed on the relevant job description and position posting.

C. DEFINITIONS

- (1) "Employment" shall mean any position which is full-time, seasonal, provisional, part-time excluding limited term employees.
- (2) "Employee" shall be construed as any appointed or elected person filling a City position, whether paid or unpaid.
- (3) "Immediate family" is defined as an employee's spouse, child, parent, brother, sister, and in-laws.
- (4) "Supervise" shall mean positions with the responsibility to hire, terminate or discipline.

\*Other situations: funeral leave, shift scheduling, vacation request, work assignments and flow of classified or confidential material.

PERSONNEL POLICY / PROCEDURE

**SUBJECT:**

Employment of Relatives

**ISSUED:**

2/6/98

**NO: B-10**

Supersedes:

12/4/87

Page: 2

Of: 2

It is our desire that relatives of current City employees (or elected officials) will seek to enter employment within the City; therefore no family member will be denied making application for City employment, however, no preference will be given on that basis.

As a reminder, it is the intent of the Personnel Committee, the Mayor, and Common Council that this policy be considered part of the City's nondiscriminatory employment policy as listed under the Federal and State laws and executive orders; and is only part of a basic procedure (for recruiting and selecting employees), that does not intentionally or inadvertently work to screen out minority or female group members.

Passed this 3rd day of February, 1998.

Approved this 3rd day of February, 1998.

Mayor Carol A. Opel

ATTEST:

Thomas E. Neill  
City Clerk/Treasurer

# CITY OF WAUKESHA

*see 2-6-98*


## PERSONNEL POLICY PROCEDURE

SUBJECT: Employment of Relatives	Issued: 12-4-87	No: B-10
	Supersedes: 8-13-87	Page 1 of 2

### A. PURPOSE

Employment of relatives of current City employees or elected officials may cause problems for management of this City, ranging from pressure to hire, to morale problems when a relative is disciplined\*, etc. The Personnel Committee, as authorized by the Common Council, has set this policy into writing restricting the employment of relatives based on the principle of achieving a more efficient operation and with reference to equal opportunity, affirmative action and the Ethics Code.

### B. POLICY STATEMENT

As a matter of policy, this City does not employ or transfer members of a present employee's immediate family within the same department where a direct supervisory relationship would exist 

Additionally, this policy stipulates:

- No member of a family will directly supervise another family member.
- Personnel office positions, Department Heads and those positions who influence selections will not engage their own relatives.
- All applicants for employment will follow the prescribed hiring procedures of this City.

### C. DEFINITIONS

- (1) "Employment" shall mean any position which is full-time, seasonal, provisional, part-time excluding limited term employees.
- (2) "Employee" shall be construed as any appointed or elected person filling a City position, whether paid or unpaid.
- (3) "Immediate family" is defined as an employee's spouse, child, parent, brother, sister, and in-laws.
- (4) "Supervise" shall mean positions with the responsibility to hire terminate or discipline.



# CITY OF WAUKESHA

## P E R S O N N E L    P O L I C Y    P R O C E D U R E

SUBJECT: Employment of Relatives	Issued: 12-4-87	No: B-10
	Supersedes: 8-13-87	Page 2 of 2

\*Other situations: funeral leave, shift scheduling, vacation request, work assignments and flow of classified or confidential material.

It is our desire that relatives of current City employees (or elected officials) will seek to enter employment within the City; therefore no family member will be denied making application for City employment, however, no preference will be given on that basis.

As a reminder, it is the intent of the Personnel Committee, the Mayor, and Common Council that this policy be considered part of the ingredients to this City's non-discriminatory employment policy as listed under the Federal and State laws and executive orders; and is only part of a basic procedure (for recruiting and selecting employees), that does not intentionally or inadvertently work to screen out minority or female group members.

Passed this 17th day of November, 1987.

Approved this 17th day of November, 1987.

Paul H. Vrakas  
Mayor

ATTEST:

Thomas E. Neill  
City Clerk

# CITY OF WAUKESHA

*see 2-6-98*

## PERSONNEL POLICY PROCEDURE

SUBJECT: Employment of Relatives	Issued: 12-4-87	No: B-10
	Supersedes: 8-13-87	Page 1 of 2

### A. PURPOSE

Employment of relatives of current City employees or elected officials may cause problems for management of this City, ranging from pressure to hire, to morale problems when a relative is disciplined\*, etc. The Personnel Committee, as authorized by the Common Council, has set this policy into writing restricting the employment of relatives based on the principle of achieving a more efficient operation and with reference to equal opportunity, affirmative action and the Ethics Code.

### B. POLICY STATEMENT

As a matter of policy, this City does not employ or transfer members of a present employee's immediate family within the same department where a direct supervisory relationship would exist

Additionally, this policy stipulates:

- No member of a family will directly supervise another family member.
- Personnel office positions, Department Heads and those positions who influence selections will not engage their own relatives.
- All applicants for employment will follow the prescribed hiring procedures of this City.

### C. DEFINITIONS

- (1) "Employment" shall mean any position which is full-time, seasonal, provisional, part-time excluding limited term employees.
- (2) "Employee" shall be construed as any appointed or elected person filling a City position, whether paid or unpaid.
- (3) "Immediate family" is defined as an employee's spouse, child, parent, brother, sister, and in-laws.
- (4) "Supervise" shall mean positions with the responsibility to hire terminate or discipline.

# CITY OF WAUKESHA

## P E R S O N N E L    P O L I C Y    P R O C E D U R E

SUBJECT: Employment of Relatives	Issued: 12-4-87	No: B-10
	Supersedes: 8-13-87	Page 2 of 2

\*Other situations: funeral leave, shift scheduling, vacation request, work assignments and flow of classified or confidential material.

It is our desire that relatives of current City employees (or elected officials) will seek to enter employment within the City; therefore no family member will be denied making application for City employment, however, no preference will be given on that basis.

As a reminder, it is the intent of the Personnel Committee, the Mayor, and Common Council that this policy be considered part of the ingredients to this City's non-discriminatory employment policy as listed under the Federal and State laws and executive orders; and is only part of a basic procedure (for recruiting and selecting employees), that does not intentionally or inadvertently work to screen out minority or female group members.

Passed this 17th day of November, 1987.

Approved this 17th day of November, 1987.

Paul H. Vrakas  
Mayor

ATTEST:

Thomas C. Neill  
City Clerk

# CITY OF WAUKESHA

## PERSONNEL POLICY PROCEDURE

SUBJECT: EMPLOYMENT OF RELATIVES	Issued: 3/25/81	No: B-10
	Supersedes: None	Page 1 of 2

### A. PURPOSE (12-18-79)

Employment of relatives of current City employees or elected officials may cause problems for management of this City, ranging from pressure to hire, to morale problems when a relative is disciplined\*, etc. The Personnel Committee, as authorized by the Common Council, has set this policy into writing restricting the employment of relatives based on the principle of achieving a more efficient operation and with reference to equal opportunity, affirmative action and the Ethics Code.

### B. POLICY STATEMENT

As a matter of policy, this City does not employ, or transfer members of a present employee's immediate family within the same department, or where a supervisory relationship would exist. A request for exception from this policy requires the Personnel Committee's review and approval prior to any hiring action.

Additionally, this policy stipulates:

- No member of a family will supervise another family member.
- Personnel office positions and those positions who influence selections will not engage their own relatives.
- All applicants for employment will follow the prescribed hiring procedures of this City.

### C. DEFINITIONS

- (1) "Employment" shall mean any position which is full-time, seasonal, provisional or part-time.

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\* Other situations: funeral leave, shift scheduling, vacation request, work assignments and flow of classified or confidential material.

# CITY OF WAUKESHA

## P E R S O N N E L    P O L I C Y    P R O C E D U R E

SUBJECT:  EMPLOYMENT OF RELATIVES	Issued:            3/25/81	No:            B-10
	Supersedes:        None	Page            2            of            2

- (2) "Employee" shall be construed as any appointed or elected person filling a City position, whether paid or unpaid.
- (3) "Immediate family" is defined as an employee's spouse, child, parent, brother, sister, and in-laws.

It is our desire that relatives of current City employees (or elected officials) will seek to enter employment within the City; therefore no family member will be denied making application for City employment, however, no preference will be given on that basis.

As a reminder, it is the intent of the Personnel Committee, the Mayor, and Common Council that this policy be considered part of the ingredients to this City's non-discriminatory employment policy as listed under the Federal and State laws and executive orders; and is only part of a basic procedure (for recruiting and selecting employees), that does not intentionally or inadvertently work to screen out minority or female group members.

**62.13 Police and fire departments.**

...

**(4) SUBORDINATES.**

(a) **The chiefs shall** appoint subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board and kept on file with the clerk.

...

**(5) DISCIPLINARY ACTIONS AGAINST SUBORDINATES.**

(a) A subordinate may be suspended as hereinafter provided as a penalty. The subordinate may also be suspended by the commission pending the disposition of charges filed against the subordinate.

(b) Charges may be filed against a subordinate **by the chief**, by a member of the board, by the board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. **Pending disposition of such charges, the board or chief may suspend such subordinate.**

(c) A subordinate may be suspended for just cause, as described in par. **(em)**, **by the chief** or the board as a penalty. **The chief shall file a report of such suspension with the commission immediately upon issuing the suspension.** No hearing on such suspension shall be held unless requested by the suspended subordinate. **If the subordinate suspended by the chief requests a hearing before the board, the chief shall be required to file charges with the board upon which such suspension was based.**

...

(j) The provisions of pars. **(a)** to **(i)** shall apply to disciplinary actions against the chiefs where applicable. In addition thereto, the board may suspend a chief pending disposition of charges filed by the board or by the mayor of the city.

...

(

**(7m) REST DAY.**

(a) The council of every city of the fourth class shall provide for, and **the chief of the police** or fire department, or the chief of the combined protective services department, **shall** assign to, each subordinate police officer, or each subordinate designated as primarily a police officer under sub. **(2e) (b)**, in the service of such city one full rest day of 24 consecutive hours during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, **which, in the judgment of the chief of police**, the fire chief, or the chief of the combined protective services department, demands that 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.

(b) The council of every city of the second or third class shall provide for, **and the chief of the police** or fire department, or the chief of the combined protective services department, **shall** assign to, each subordinate police officer, or each subordinate designated as primarily a police officer under sub. **(2e) (b)**, in the service of such city 2 full rest days of 24 consecutive hours each during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, **which, in the judgment of the chief of police**, the fire chief, or the chief of the combined protective services department, 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. This section shall not apply to villages to which s. [61.65](#) is applicable.

**(7n) HOURS OF LABOR.** Except when a labor agreement under subch. [IV of ch. 111](#) that governs hours of employment exists, the council of every 2nd, 3rd or 4th class city shall provide for a working day of not more than 8 hours in each 24 except in cases of positive necessity by some sudden and serious emergency, which, **in the judgment of the chief of police**, the fire chief, or the chief of the combined protective services department, demands that such workday shall be extended beyond the 8-hour period at such time; and, when such emergency ceases to exist, all overtime given during such emergency shall be placed to the credit of such subordinate police officer, or each subordinate designated as primarily a police officer under sub. [\(2e\) \(b\)](#), and compensatory time under s. [103.025](#) given therefor.