



Tom Barrett
Mayor

Vacant
Director

Renee Joos
Employee Benefits
Director

Nicole Fleck
Labor Negotiator

Department of Employee Relations

INVESTIGATION SUMMARY

Prepared and Investigated by:

Katherine M. Holiday
Human Resources Compliance Officer
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Surveys and Custom Research Director
MRA – The Management Association

Investigation Start Date: October 5, 2020

Investigation Summary Date: December 28, 2020

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SCOPE OF INVESTIGATION

During 2020, the Department of Employee Relations received verbal allegations by employees of the City Attorney's Office. The Director of Employee Relations, Maria Monteagudo, made the decision to investigate the claims even though no employee filed a formal complaint due to wanting to remain anonymous. Ms. Monteagudo retired on September 30, 2020.

The City of Milwaukee Department of Employee Relations engaged MRA – The Management Association, an outside organization, to assist in the investigation. Among substantial HR work, MRA investigates issues and situations of this nature. Sensitive situations are often difficult to address, and MRA is experienced in providing an objective, third-party unbiased gathering of information.

According to the allegations, the City Attorney, Tearman Spencer (Respondent or Mr. Spencer) has made potentially harassing comments and has exhibited behavior targeting female employees in the workplace. At least six (6) employees have individually complained about Mr. Spencer, and there are several others who have witnessed the behavior. Among such concerns are several incidents of potentially offensive/discriminatory verbal comments and behavior, as well as one incident of unwelcome physical contact with a female colleague.

In total, 19 individuals were interviewed between October 6 and November 11, 2020. Several employees expressed a strong fear of retaliation, even though the employees have Civil Service job protection. The employees who participated in the investigation did so with the qualification that they would not be named specifically as a complainant nor would the allegations be presented to Mr. Spencer in a way that they were personally identifiable. This is a deviation from a typical personnel investigation and limited the information that was communicated, which posed a significant challenge to the investigation.

INFORMATION REVIEWED

- Documents
 - Work Rules for the Office of the City Attorney
 - DER Anti-Harassment Policy
 - Emails
- Virtual interviews with:
 - Complainants
 - Witnesses
 - Respondent

OVERVIEW OF COMPLAINTS

1. Alleged Statements Made To Or Regarding Female Employees:

- a. During a virtual meeting on or around April 28, 2020, Mr. Spencer asked men about their heights and told females that question was just for the men; in that same meeting, Mr. Spencer referred to female employees as dear, sweetheart and/or sweetie. Mr. Spencer also remarked about one female staying home to be with family and noted that being with children is the most important thing she could do.
- b. During a virtual meeting on or around August 13, 2020, Mr. Spencer asked males about beards and females about their families.
- c. In various meetings or conversations, Mr. Spencer called women over emotional, smiley, having a nice smile, telling women they looked nice, and commented on women's looks or bodies/body parts.
- d. In a virtual meeting including City Attorney employees and others outside of the City Attorney's office, Mr. Spencer stated that "women like to be fashionably late."
2. Alleged Unwelcome Physical Contact
 - a. One female employee reported that she was physically touched on her body by Mr. Spencer.
3. Alleged Hostile Work Environment And Other Discriminatory Actions
 - a. Mr. Spencer gave work to men instead of women without an apparent or legitimate reason to do so. Mr. Spencer assigned men to oversee women on projects/cases/assignment or to review women's work when the men had considerably less experience in that area than the female.
 - b. In meetings, Mr. Spencer did not give females' opinions the same consideration as men's opinions.
 - c. Mr. Spencer hired three new deputies, all of whom are male.
4. COVID-19 Safety Issues
 - a. Mr. Spencer asked multiple employees to remove their face coverings in the workplace.
 - b. In a virtual meeting, Mr. Spencer made comments to the effect that employees had to be in the office (as opposed to working remotely) for Mr. Spencer to find value in their work or for employees to be considered for promotions.

INVESTIGATION AND DISCUSSION

The Respondent's response to the allegations was generally that some employees were not happy that he had won the election and were resistant to change. Because of this resistance to change, the employees were looking for reasons to complain about him. In terms of the types of comments he made, he characterized these complaints as making too much out of minor issues. Some comments he admitted making, some were made to lighten the meeting/conversation with humor, and some comments or actions he did not recall. In addition, he called out the need to get to know 66 employees while the department is transitioning to new leadership and while much of the City Attorney department's work is being accomplished while employees are working remotely vs. onsite. The Respondent did not acknowledge that his words or actions may have played a part in the employees' perception that he made harassing comments and exhibited behavior targeting female employees in the workplace. As for the assignments, he worked

closely with the Deputies in assignments and almost, if not all, of the decisions related to assignments were made at the advice of the Deputies. For the COVID-19 related issues, Mr. Spencer responded that those incidents were taken out of context and when he learned that people had viewed his statements as being asked to do something outside of protocol, he worked to correct the miscommunications.

Respondent also indicated he believes the culture of the department involves those who welcome a new presence and others who do not. He feels the department has some fine attorneys and others who want to create problems due to the change. Overall, the Respondent feels the department is moving to an office of good atmosphere.

CONCLUSION

The person with the most power in this situation, City Attorney Mr. Tearman Spencer, needs to understand the role he plays, and the culpability belonging to him in key City Attorney office changes as well as in the potential costs to the city.

Given the preponderance of comments regarding uncertainty around roles, processes, resources, performance management and other key procedures or operational issues, this investigation did conclude that the dynamics of onboarding and potential new or revised protocols as a result of change in leadership should be addressed, documented and communicated strategically and expeditiously.

As an elected official, the City Attorney is not bound by the Anti-Harassment Policy. Comments based on gender, gender identity, physical appearance and body parts, and touching are not appropriate workplace behavior.

The investigation did not conclude that adverse employment actions were taken because of gender. Most, if not all, of the employment decisions that were brought forward during the investigation were made at the recommendation of the Deputies for legitimate work-related reasons.

The concerns raised around COVID-19 safety protocols were due to a lack of clear communication and there is not enough information to substantiate that the protocols are not being followed.

NEXT STEPS

As a result, further discussion and action regarding recommendations to improve personally, and in leadership processes and procedures of the City of Milwaukee City Attorney's office, include:

- Effective communication, e.g. timely and thorough communication of internal changes along with documentation as necessary; clarity in communication aimed to avoid

misinterpretation around updated procedures, or something such as, e.g. ‘mask off vs. mask down; perceived necessity to be in the office vs. processes to build knowledge of team members and their responsibilities, and mindful communication when communicating with employees, e.g. assimilation to different styles, needs, approaches to work, etc.

- Change management, e.g. clear communication and implementation of your reporting structure; establish and clearly communicate expectations regarding performance management
- Implement training, training refreshers, focus groups or similar for all staff and leadership on unconscious bias, creating a respectful workplace, harassment, offensive behavior, retaliation, etc.
- Establish risk management emphasis and processes around, e.g. effective attraction and retention efforts for employees and prospective employees; creation of an internal City Attorney office resource/process for handling concerns of team members confidentially and for working with HR and DER to address as necessary
- Engage in one-on-one focused executive coaching to enhance personal effectiveness and to understand the seriousness of perceptions of offensive behavior.
- Suggest monthly, or more frequent, progress checks with progress toward implementation and improvement by end of June 2021 or sooner.

Discussion with the Respondent, and requested signature to acknowledge discussion, occurred along with discussions with all Witness/Complainant/Participants to close the investigation.

Holiday, Katherine

From: Spencer, Tearman
Sent: Monday, December 7, 2020 11:43 AM
To: Holiday, Katherine
Cc: Walker, Kimberly
Subject: RE: Follow Up

Ms. Holiday,

Thank you for speaking with me regarding the confidential investigation conducted into allegations of discrimination purportedly lodged by certain employees in my office. This will confirm that the independent investigator that your Department selected to investigate the allegations concluded, after extensive witness interviews and assessment of all the facts, that there was no discrimination or violation of any applicable employment laws.

Separately, I want to address several issues with respect to your email below. As an initial matter, my understanding has always been that your Department had engaged an investigator to investigate allegations of discrimination in violation of employment laws. It was based upon that understanding that I fully cooperated with the investigation and provided all information and responses requested of me. It now appears that your Department has asked the investigator to conduct a broad examination of management practices and workplace climate that stray far beyond the allegations of discrimination supposedly asserted by a few employees in my office. Let me be clear, I reject any investigation into the general climate within my office or suggestions as to how my office should be operated. Further I am requesting that the investigator be directed to omit any suggestions or recommendations -- including those set forth below -- as to changes within my office. Rather, the investigation report should only address the allegations of discrimination supposedly raised by certain employees in my office and her finding as to whether those allegations rise to violations of any applicable employment laws. Second, I expressly reject the investigator's suggestions that there are management practices within my office which need to be discontinued or changed. The prior City Attorney that I defeated served in that position for more than 30 years. Many of the employees in the City Attorney's Office actively campaigned for the former City Attorney and, to be charitable, were deeply disappointed that he was defeated. Therefore, it is hardly surprising that certain employees in my office have lodged spurious complaints early in my tenure as the new City Attorney. For I have implemented many changes in procedures and processes which represent a marked departure of how business has been conducted within the City Attorney's Office over many decades. These changes should hardly come as a surprise given that the hallmark of my successful campaign to replace the incumbent City Attorney was a pledge to disrupt the status quo in terms of how the City Attorney's Office had operated. The citizens of the city of Milwaukee overwhelming embraced the call for change that I campaigned on. I intend to fulfill my promises to the citizens of the City of Milwaukee and will not allow disgruntled employees, a third party investigator or a city department to take any action which infringes on the policy changes that I am implementing as the occupant of the *independent* Office of the City Attorney. I will, of course, at all times conduct the affairs of the City Attorney's Office in a manner consistent with all applicable employment laws -- a fact which the investigator has confirmed based upon her own, independent investigation. Finally, with respect to your suggestion that the report to be prepared by the investigator (as well as any material or correspondence relating to the investigation) is subject to an open records request, it is my personal view that it is not. It was always my understanding that this investigation was being conducted in a confidential manner given that it involved personnel issues and was being undertaken at the request and direction of an attorney. Hence, based upon my personal understanding of the open records law, neither the report nor any material relating to the investigation is subject to dissemination in response to an open records request. This, of course is my personal opinion. I am requesting that your department notify me immediately upon receipt of any request for release of the report, or any investigation material, pursuant to an open records request or any other sort of request. I assume that your department will follow the established procedures and processes relative to responding to requests for investigatory material like the report. To the extent that such a request is received, an

attorney will be assigned to work with your Department as to how it should respond to the request for the report or any other investigatory material. If my assumption is incorrect, please let me know, in writing, immediately.

Thank you for attention to this matter. I look forward to your response.

Cc: The Law Group

Tearman Spencer | City Attorney | tspencer@milwaukee.gov



City Attorney's Office

Zeidler Municipal Building
841 North Broadway, 7th Floor
Milwaukee, WI 53202
P (414) 286-2611 | F (414) 286-8550

From: Holiday, Katherine
Sent: Friday, December 4, 2020 2:27 PM
To: Spencer, Tearman <tspencer@milwaukee.gov>
Subject: RE: Follow Up

Hi Mr. Spencer,

I wanted to check in since it is the end of the week. Do you have a time that you anticipate being able to share the additional information with me? Thank you!!

Katherine

From: Holiday, Katherine
Sent: Tuesday, December 1, 2020 4:08 PM
To: Spencer, Tearman <tspencer@milwaukee.gov>
Subject: Follow Up

Hi Mr. Spencer,

Again, thank you for your time today. I wanted to first emphasize that these next steps have only been shared with you and not with any employee who participated in the investigation. The next steps will be documented in a confidential report as well but that report will not be generally shared unless subject to an open records request.

Here are the *recommendations* that Deb went over today. As Deb called out today, as an elected official we understand that you are not directly subject to the anti-harassment policies. We appreciated the open dialogue as to the actions that are already in planning and progress and are asking if you would provide more information about that. We look forward to receiving that information and please feel free to share if there is anything else that would be beneficial for us to know about what is already in progress. Again, thank you.

- a. Effective communication, e.g. timely and thorough communication of internal changes along with documentation as necessary; clarity in communication aimed to avoid misinterpretation around updated procedures or something such as, e.g. 'mask off vs. mask down; perceived necessity to be in the office vs. processes to build knowledge of team members and their

responsibilities, and mindful communication when communicating with employees, e.g. assimilation to different styles, needs, approaches to work, etc.

- b. Change management, e.g. clearly communicate and implement your reporting structure; establish and clearly communicate expectations regarding performance management
- c. Implement training, training refreshers, focus groups or similar for all staff and leadership on unconscious bias, creating a respectful workplace, harassment, offensive behavior, retaliation, etc.
- d. Establish risk management emphasis and processes around, e.g. effective attraction and retention efforts for employees and prospective employees; creation of an internal City Attorney office resource/process for handling concerns of team members confidentially and for working with HR and DER to address as necessary (if you have a name we can share with employee on who is a good internal CAO contact, we can share that with employees if you'd like)
- e. Engage in one-on-one focused executive coaching to enhance personal effectiveness and to understand the seriousness of perceptions of offensive behavior.
- f. Suggest monthly, or more frequent, progress checks with progress toward implementation and improvement by end of June (open to feedback on a different date) 2021 or sooner.

Katherine M. Holiday, J.D., IPMA-SCP
Human Resources Compliance Officer
Department of Employee Relations
City of Milwaukee
Phone: 414-286-6210
Secure Fax: (833) 816-1918
kholid@milwaukee.gov

From: Spencer, Tearman
Sent: Monday, December 21, 2020 11:55 AM
To: Holiday, Katherine
Cc: Walker, Kimberly
Subject: RE: Follow Up

Tearman Spencer | City Attorney | tspencer@milwaukee.gov



City Attorney's Office
Zeidler Municipal Building
841 North Broadway, 7th Floor
Milwaukee, WI 53202
P (414) 286-2611 | F (414) 286-8550

From: Spencer, Tearman
Sent: Monday, December 14, 2020 1:06 PM
To: Holiday, Katherine <kholid@milwaukee.gov>
Cc: Walker, Kimberly <kwalker@milwaukee.gov>
Subject: Re: Follow Up

Katherine,

I am not sure another meeting is needed. As I indicated last week, given the purpose of your investigation was to determine whether I engaged in discriminatory conduct as alleged by staff, and your investigation correctly determined that I have not engaged in any discriminatory conduct, the investigation and any resulting report should conclude with that. Your role was not to engage in a climate survey, or provide feedback related to how I manage the office.

Please confirm that the report will be limited to addressing the alleged discriminatory conduct, and that the report will not be subject to an open records request.

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From: Holiday, Katherine <kholid@milwaukee.gov>
Sent: Monday, December 14, 2020 10:39:24 AM
To: Spencer, Tearman <tspencer@milwaukee.gov>
Cc: Walker, Kimberly <kwalker@milwaukee.gov>
Subject: RE: Follow Up

Good Morning,

I'm following up on my prior email. Would you both be available for a virtual meeting tomorrow sometime before 2:30? If not, please let me know a time that would work for you. Thanks!

Katherine

From: Holiday, Katherine
Sent: Thursday, December 10, 2020 7:54 AM
To: Spencer, Tearman <tspencer@milwaukee.gov>
Cc: Walker, Kimberly <kwalker@milwaukee.gov>
Subject: RE: Follow Up

Good Morning,

I had a chance to review your message with the investigator. We were hoping to be able to schedule another 30 – 45 minute meeting as a follow up to our initial discussion and your message. Do you both have any availability on Monday (except 9:15 – 10:15) or Tuesday before 2:30? Once I hear back on availability, I will send a Teams invite. Thank you both for your time.

Katherine

From: Spencer, Tearman <tspencer@milwaukee.gov>
Sent: Monday, December 7, 2020 11:43 AM
To: Holiday, Katherine <kholid@milwaukee.gov>
Cc: Walker, Kimberly <kwalker@milwaukee.gov>
Subject: RE: Follow Up

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who is a good internal CAO contact, we can share that with employees if you'd like)

- e. Engage in one-on-one focused executive coaching to enhance personal effectiveness and to understand the seriousness of perceptions of offensive behavior.
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Katherine M. Holiday, J.D., IPMA-SCP
Human Resources Compliance Officer
Department of Employee Relations
City of Milwaukee
Phone: 414-286-6210
Secure Fax: (833) 816-1918
kholid@milwaukee.gov

Witness & Respondent Interview Questions

██████████

Introductions

- Review of pre-interview checklist and the purpose of the interview

1. Job title, years with City of Milwaukee
2. Do you have a copy of CAO work rules and the Anti-Harassment Policy?
3. How would you characterize your relationship with Tearman Spencer?
4. Have you ever personally seen or heard anything to indicate that women have been made uncomfortable at work or that a woman found the work environment offensive? What did you see or hear? Who was making things uncomfortable? In what way?
5. Were you present for any of these incidents? If so, please tell me about them in your own words
 - a. Virtual meeting on April 28, 2020 where TS asked men about their heights and told females that question was just for the men, referred to female ACAs as dear and sweetheart, and made remark about one staying home to be with family and children as the most important thing she could do
 - b. August 13, 2020 – all CAO meeting where men were asked about beards and women about their families
 - c. 9/██/2020 -- Zoom meeting that “women like to be fashionably late” to meetings and as a result often “need to be reminded sometimes”
6. Have you ever heard about any incidents of this type: a woman was not being trusted with assignments because of gender, men involved in work assignments for no legitimate reason, giving assignments based on physical appearance and gender; women being overseen by male attorneys with less experience and lower ACA level in an area that the man doesn't have expertise in? Who told you what and when?
7. Who else might have information related to what we have talked about?
8. How would you characterize the workplace atmosphere?
9. Have you observed any changes in the atmosphere since April 2020?

██████████ (Same questions could be used for ██████████)

Introductions

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4. Have you ever personally seen or heard anything to indicate that women have been made uncomfortable at work or that she found the work environment offensive? What did you see or hear? Who was making things uncomfortable? In what way?
5. Have you heard TS refer to someone as emotional, too emotional, over emotional, or something similar?
6. Have you heard TS refer tell someone that they owe him "more than a phone call" or something similar?
7. Did anyone ever provide you second hand information about an incident that might make women uncomfortable at work? What were you told by whom? When was that?
8. Who else might know something about what you have shared with us?
9. How would you characterize the workplace atmosphere?
10. Have you observed any changes in the atmosphere since April 2020?
11. Have you heard TS tell employees that they should come into the office as opposed to working from home so that he can get to know their work better or something similar?
12. When TS is in the office, have you seen him wearing a mask?

Introductions

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3. Do you have a copy of CAO work rules and the Anti-Harassment Policy?

4. Have you ever personally seen or heard anything to indicate that women have been made uncomfortable at work or that she found the work environment offensive? What did you see or hear? Who was making things uncomfortable? In what way?
5. Did anyone ever provide you second hand information about an incident that might make women uncomfortable at work? What were you told by whom? When was that?
6. Who else might know something about what you have shared with us?
7. How would you characterize the workplace atmosphere?
8. Have you observed any changes in the atmosphere since April 2020?
9. Have you heard TS tell employees that they should come into the office as opposed to working from home so that he can get to know their work better or something similar?
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Introductions

1. Review of pre-interview checklist and the purpose of the interview
2. Job title, years with City of Milwaukee
3. Do you have a copy of CAO work rules and the Anti-Harassment Policy?
4. How would you characterize the workplace atmosphere since April 2020?
5. DER received allegations that TS engaged in behaviors that may be a violation of the anti-harassment policy. DER & MRA conducted interviews of multiple people about the incidents. In several of the incidents, you were identified to have been present. I will go through the incidents on by one to hear your perspective on what happened during that meeting
 - a. Virtual meeting on April 28, 2020 where TS asked men about their heights and told females that question was just for the men, referred to female ACAs as dear and sweetheart, and made remark about one staying home to be with family and children as the most important thing she could do
 - b. Management meetings where women's opinions were not given same consideration as men
 - c. Removal of ACAs from work assignments, cases, projects and replaced by men for no reason
 - d. Assigning men to oversee women on projects/cases when the men had considerably less experience in that area
 - e. August 13, 2020 – all CAO meeting where men were asked about beards and women about their families
 - f. In various meetings, calling women emotional, smiley, having a nice smile, telling women they look nice, commenting on women's body parts
6. Aside from allegations related to gender, there are 2 COVID policy issues that came up.
 - a. Are you aware if the mask policy is being followed and enforced when people are in the office?
 - b. Were people made to think that they had to be in the office for TS to find value in their work product? Essentially, people have reported that they were told by TS that they had to be in the office if they wanted to be parts of the conversations on cases
7. Did you ever discuss any of these incidents with TS as being potentially inappropriate for work?

8. Did anyone report any of these incidents or anything else that had made people uncomfortable or they found offensive?
9. Was there anything that you had seen or heard from TS that you found to be inappropriate for work?

Topics for Respondent

1. DER received allegations that you engaged in behaviors that may be a violation of the anti-harassment policy. DER & MRA conducted interviews of multiple people about the incidents. I will go through the incidents one by one to hear your perspective on what happened during that meeting
 - a. Virtual meeting on April 28, 2020 where TS asked men about their heights and told females that question was just for the men, referred to female ACAs as dear and sweetheart, and made remark about one staying home to be with family and children as the most important thing she could do
 - i. Did you make these remarks? Why?
 - b. August 13, 2020 – all CAO meeting where men were asked about beards and women about their families
 - i. Did you make these remarks? Why?
 - c. A virtual meeting where you stated to a group of men that “women like to be fashionably late” to meetings and as a result often “need to be reminded sometimes”
 - i. Did you make these remarks? Why?
 - d. In various meetings, calling women emotional, smiley, having a nice smile, telling women they look nice, commenting on women’s body parts
 - i. Who did you say what to and when did you say it? Who else was present?
 - e. Have you ever touched any female employees? What was your purpose? Where did this occur? In a workplace location? Specifically? When was this? What time of the day?
 - f. Management meetings where women’s opinions were not given same consideration as men
 - i. Do you recall this happening on any occasion, tell me about it. When was it, who was present, what was the substance of the conversation.
 - g. Removal of ACAs from work assignments, cases, projects and replaced by men for no reason
 - i. Have you removed women from work assignments and replaced them with men? Who, what was the reason, when.
 - h. Assigning men to oversee women on projects/cases when the men had considerably less experience in that area
 - i. Have you done this? In what circumstances?
2. Aside from allegations related to gender, there are 2 COVID policy issues that came up.
 - a. Are you aware if the mask policy is being followed and enforced when people are in the office?
 - b. Were people made to think that they had to be in the office for TS to find value in their work product? Essentially, people have reported that they were told by TS that they had to be in the office if they wanted to be parts of the conversations on cases

3. What kind of overall climate is there in the work group/department?
4. Are there others who might have seen or heard something relevant to our discussion? Who are they? What would they have seen or heard?
5. Did you tell anyone about the incident at the time? Later? Who did you tell and when? What is your relationship with that individual?



Version 1.7
Updated 09/06/2016

City Attorney's Office Employee Handbook



These work rules and employment policies summarize the standards of behavior expected of all City Attorney's Office employees at time of hire and throughout employment. Employees are expected to read and comply with the work rules and familiarize themselves with the employment policies. These rules and policies may be modified from time to time at the discretion of the City Attorney. Employees will be notified of the modifications in advance. Failure to comply with these work rules and policies may result in disciplinary action up to and including dismissal. These work rules and policies are not intended to supplant City Ordinances, City Service Rules, or provisions of the City Charter. Rather, they are intended to supplement these rules, and if there is a conflict, the City Ordinances, City Service Rules, and Charter provisions will prevail.

If you have any questions regarding policies or procedures that are not answered in this handbook, please refer them to your section supervisor. Other policies and procedures not specifically referred to in the handbook may be available from the Special Assistant to the City Attorney. Your comments and suggestions are always welcome.

The symbol includes letters depicting different work areas of the City Attorney's Office:

- A = Attorneys
- P = Paralegals
- I = Investigator/Adjuster
- O = Office Staff
- B = Branch Office (OED)



If the circle depicting your area is colored in, then the subsequent work rule applies to your area. Conversely, if the circle is not colored in, then the work rule does not apply to your area.

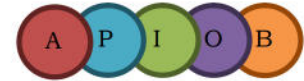
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Employee Code of Conduct

Attendance



Regular and punctual attendance is expected and required of all employees. Employees are expected to be at work and ready to perform their assigned duties at their starting time and to remain until quitting time absent specific approval from the division manager.

Employees themselves are to report their absences to their supervisor within one-half hour of the start of the regularly scheduled workday each day of their absence unless excused from doing so by their supervisor.

Confidentiality



The obligation of confidentiality applies to all City Attorney employees. All matters and documents relating to lawsuits and administrative hearings that the City is a party to should be treated as confidential and should not be discussed in public. All files and their content are the property of the City including but not limited to documents and other information, without deference to origination. Communications from clients, city personnel, and opposing parties should also be treated as confidential. Staff should use extreme caution and good judgment to ensure that information in their possession does not become available to unauthorized third parties. Staff members are responsible for the internal security and safekeeping of such information. Staff should avoid discussing confidential information on the phone, outside the office, or in any public places. Staff members should also be careful in the office not to leave confidential papers in open or public areas.

Particular care should be exercised in dealing with computer disks, tapes and other technology and media that contain privileged material, including email, the internet, social networking media and electronic documents and files. Also, all computers should be turned off when you leave for the day. Under no circumstance should an attorney's office

be offered for use to a client, vendor, or other unauthorized person without the consent of that attorney. In addition to client matters, some personnel must routinely handle pay and personnel information as a result of their normal duties. This information as well as any medical information must be treated with the utmost sensitivity and confidentiality. Breaches of confidentiality with respect to any client or internal matter may be subject to disciplinary action, up to and including discharge.

Dress Code



All City Attorney employees are expected to use good judgment in choosing their business attire, taking into consideration their position, contact with clients and citizens, and health and safety standards. Clothing should be neat, clean, and in good repair at all times, and should not create a safety hazard in the work environment. Personal cleanliness and good grooming habits must be observed.

The following is a general guide to help define appropriate attire:

- At a minimum, business-casual attire is required every day of the year.
- A business suit, a dress, or similar attire is required for court, Common Council meetings, Committee meetings, and meetings with the Mayor, department heads, and other important personnel.
- Events requiring more than business-casual attire may occur on short notice, so keeping a proper change of clothes quickly available is required for attorneys.
- Jeans may be worn only on Fridays.
- No t-shirts, baseball caps, sweat shirts, sweat pants, sweat jackets, sweat suits, wind suits, warm-ups, shorts, sneakers, tennis shoes, athletic shoes (unless medically necessary), or rubber flip-flops are to be worn in the office during normal business hours.

Dressing casually is an option, not a requirement. The successful continuation of a casual dress policy depends on every staff member's continued cooperation.

Personal Appearance



Page 7 The personal appearance of each employee is an important component in the provision of quality service. Employees are expected to maintain good grooming at all times and to use

good judgment in choosing their attire. Staff members who are uncertain about whether attire meets the guidelines should consult with their immediate supervisor.

If an employee reports for work improperly dressed or groomed and it is determined by the supervisor that the employee must return home to take corrective action, time away from work will be charged to the employee's accrued vacation or compensatory time, or to unpaid leave.

ID Badges



Identification badges are issued to all employees of the City Attorney's Office. The badge helps maintain security within all sections of the City Hall Complex and Police Administration Building, and also identifies staff for public service purposes. Badges do not have to be worn so they are visible.

An employee is initially issued one free badge. A lost badge must be reported immediately to an employee's supervisor. An employee will be assessed a fee, equivalent to the cost of replacement, for a lost badge or for any badge damaged due to the employee's negligence.

A badge in need of replacement due to normal wear and tear will be replaced free of charge, provided the old badge is returned. Arrangements may be made through the employee's supervisor for replacement of damaged or lost badges. Upon separation from service, employees are required to return their identification badge to their supervisor. Failure to do so will result in an assessment fee similar to that for a lost badge.

Office Etiquette



Please be respectful of your co-workers and other city attorney staff members at all times. Treat others as you would like to be treated. If you have a problem with a co-worker or staff member, please refer the problem to your supervisor.

Game playing and personal reading

The playing of games (computer or otherwise) and personal reading is prohibited during working hours. Games may be played and personal reading done before working hours, during breaks, during lunch hours, and after working hours. If you find yourself without work, check with your supervisor.

Chatting with Co-Workers

Management does not want to discourage chatting with co-workers unless it interferes with your work assignments. If you are chatting and someone approaches you with a work assignment, please let them interrupt so you can take the work assignment. So as not to disturb other workers, please keep your voices low while chatting with co-workers. Loud laughter and outbursts can be disruptive to those who are trying to work.

Assisting Co-Workers

If you find that you are caught up on your own work assignments, please check with other staff members to see if they need assistance. This is especially important when staff members are out ill or on vacation.

Open Door Policy



The City Attorney has long maintained a policy of direct access for any employee who wishes to discuss work-related issues or concerns of a sensitive, confidential, or personal nature. Any employee who feels a need to meet with the City Attorney to discuss such matters should not hesitate to arrange a meeting to do so.

Outside Employment



Outside employment is at the discretion of the employee. However, the employee must be able to meet the scheduling needs of the City Attorney. Further, at no time should there be any conflict of interest between an employee's City position and outside employment.

Before accepting outside employment, an employee should check with his/her supervisor to make certain there are no violations of City rules or conflict of interest. Holding employment with another City department or the Milwaukee Public Schools is not permitted while in the employ of the City of Milwaukee.

Attorneys may not under any circumstances appear before Milwaukee Municipal Court as an attorney on a private matter. Attorneys engaging in the private practice of law are expected to strictly adhere to [SCR 20:2.4](#), as well as the [City's Ethics Code](#).

Except where the work pertains to immediate family members, attorneys are prohibited from engaging in the private practice of law during the hours the office is open without first obtaining the approval of the City Attorney. Attorneys performing private legal work during office hours must use vacation or flex time off, and the fact that an attorney is not representing the City must be made clear to all parties and any tribunal.

Attorneys are prohibited from having their name on the letterhead of any private law partnership or service corporation.

Parking around City Hall Complex



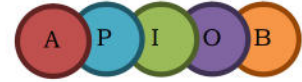
The Department of Employee Relations has requested that we include this language in our department manual:

"It has come to our attention that some city employees are using limited parking spaces surrounding the City Hall complex to park during their regular workday. This is a parking ordinance violation and restricts parking options for residents trying to conduct business with City agencies. Furthermore, it creates a major disruption during the workday as these employees are constantly leaving their work areas to plug meters or move their vehicles."

In response to this issue, the following is effective immediately:

"Departmental policy prohibits employees from regularly leaving the building to feed parking meters or move personal vehicles on City time. Short-term metered parking in the vicinity of City Hall is intended for short-term use for the convenience of residents and not for full-time employees of the City."

Personal Conduct



The public and fellow employees should be treated in a courteous and professional manner. Conduct or behavior that is deemed offensive will not be tolerated. This shall include abusive or vulgar language or behavior, harassment of any kind, or racial or ethnic slurs or other remarks that are intended to denigrate others relative to age, race, religion, or sexual preference. Employees who engage in behavior contrary to this rule will be subject to disciplinary action.

Political Activity



All employees are prohibited, during scheduled work periods, from engaging in the distribution of badges, posters, bills, printed or written matter approving or favoring a candidate for nomination or election to political office. Employees have the right to become members of a political organization, to attend political meetings, to express opinions on all political subjects and to enjoy freedom from all interference in casting votes. However, it is inappropriate to give the appearance of representing the City or the City Attorney's Office. It is also a violation of the law to use any City equipment (copying machines, email, internet, etc.,) time or resources for political purposes. Under Wisconsin law:

- No person may solicit or receive from any officer or employee any contribution or service for any political purpose during established hours of employment or while the employee is engaged in his or her official duties. [Wis. Stat. § 11.36\(2\)](#).
- No person may enter or remain in any building occupied for any purpose by any political subdivision, or send or direct a letter or other notice thereto, for the purpose of requesting or collecting a contribution for political purposes. [Wis. Stat. § 11.36\(4\)](#).
- No person may use a City vehicle for the purpose of campaigning in support or in opposition to any candidate. [Wis. Stat. § 11.37\(1\)](#).

Additionally, it is a violation of [City Civil Service Rule XIII, § 5\(p\)](#) to engage in any activity favoring a candidate for nomination or election to a municipal political office, or to solicit money for the purpose of aiding the election of any candidate of public office, during scheduled work periods.

Change of Address/Residence



Note: As of July 24, 2013, any employee having a change of address must complete a Residence Statement Form and entering the change of address in Employee Self-Service. Failure to report the address change within the 72 hour requirement may result in disciplinary action. [Click here for the Residence Statement Form.](#)

Telephone Etiquette



Office telephones are for business purposes. Incidental personal telephone calls should be kept to a minimum and their duration should be limited. No personal long distance phone calls or long distance faxes are allowed. Voicemail messages should be kept up to date and changed appropriately to reflect absences and or extended leave from the workplace. Employees should check messages frequently; callers should never reach a full mailbox.

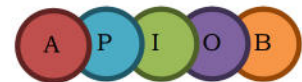
Visitors



Friends, children and grandchildren of employees are not allowed to visit employees for extended periods of time during the workday.

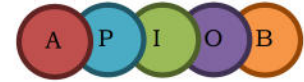
Work Schedule

Attendance



Regular and punctual attendance is expected of all employees. Excessive absenteeism and tardiness impacts the workplace and places an unfair burden on other employees. Unsatisfactory attendance will result in disciplinary action up to and including discharge.

Break Times & Lunch



Normal break periods will be limited to two 15-minute paid breaks. Employees are allowed a 60-minute unpaid lunch. The supervisor assigns specific lunch and break time periods.

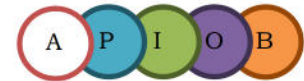
Calendars



It is the responsibility of every employee to maintain their calendars in Outlook. All City Attorney employees are required to use the computer calendar to schedule their meetings, appointments, court appearances, and time off. If an employee is going to be out of the office, he or she should indicate where the event is being held and how he or she can be reached. It is important that the calendars be kept current and accurate so that management knows how and where to contact you in the event it is necessary to reach you.

Accurate calendaring allows the office to schedule meetings with confidence, and avoids inconveniencing others by rescheduling because of a conflict not reflected on the computer calendar.

Changes to work schedule



Certain office operations or functions require employees to perform work outside of the standard 8:00 am to 4:45 pm schedule. Changes in an employee's work schedule to accommodate the aforementioned operations during hours outside of the standard hours are necessary in order to control salary expenditures. Supervisors will discuss such changes in advance so that the appropriate arrangements can be made by the employees. When changes in work schedule are imposed by a supervisor the total hours paid for the week shall not exceed 40 unless approved by the supervisor in advance.

The following provisions are hereby implemented to manage and control salary account expenditures:

Hours of work when employees take one full day or more of paid time off

- Variable work schedules (more or less than 8 hours in one day) may be allowed by the supervisor and when consistent with the operational needs of the section as long as hours paid do not exceed 40 for the work week, unless approved by the supervisor in advance.

Hours of work during a Holiday week

- Variable work schedules (more or less than 8 hours in one day) may be allowed by the supervisor and when consistent with the operational needs of the section as long as hours paid do not exceed 40 for the work week, unless approved by the supervisor in advance.

Hours of work during a Furlough week

- Because furlough hours count towards the 40 hour threshold for overtime eligibility no employees shall have a total of more than 32 hours of work time or paid time off during the week of a mandatory furlough.



The office is open for business between the hours of 8:00 a.m. and 4:45 p.m., Monday through Friday. Attorneys are expected to be available to conduct office business during the hours in which the office is open.

Attorneys are expected to take their lunch between 12:00 noon and 1:30 p.m. Taking lunch at any other time should be the exception. Attorneys are accountable for their time from 8:30 a.m. to 4:45 p.m., exclusive of lunch time.

Attorneys who are required to be out of the office on office business during the hours for which they are accountable must advise the receptionist in advance. The receptionist should be informed precisely where they can be located by phone and the case or matter

necessitating their absence from the office. Attorneys who do not intend to report to the office before an appearance outside the office must advise the receptionist in advance.

Attorneys should at all times be aware of their calendars. In the event an attorney is ill or on vacation at a time when matters are scheduled on the attorney's calendar, the attorney must assume responsibility for obtaining an adjournment or an extension, or a substitute. If the attorney is unsuccessful, the office should be notified that there is a pending matter that has to be addressed.

Flex time



Employees holding positions covered under the flexible schedule provisions of the [Milwaukee Code](#) (FLSA-exempt employees) are eligible to work schedules that are different from the normal schedule (8:00am to 4:45 pm) if approved by the supervisor. This provision allows the daily work schedule of an FLSA-exempt employee to be adjusted as necessary and appropriate to fulfill his/her assigned duties and responsibilities. Employees are accountable for their whereabouts between the hours of 8:30 a.m. and 4:45 p.m., excluding lunch, on the days in which the office is open. Employees will not be authorized flex time off for work between the hours of 8:00 a.m. and 5:30 p.m. on days when the office is open. Attorneys do not receive flex time off for working through lunch, and are not authorized to work through lunch to shorten their work day. Time off will be authorized for time worked only under the following circumstances:

1. As flex time for work as part of a regular work assignment (e.g., Fire & Police Commission, City Service, School Board).
2. As flex time for work when the time off has been preapproved by the City Attorney or one of the Deputies.
3. Documentation that the employee has worked more than 80 hours in the pay period in which the work was performed. In calculating the 80 hours, the following apply:
 - a. Between the hours of 8:00 a.m. and 5:30 p.m. on days when the office is open, hours actually worked, not to exceed 8 hours, shall be counted toward the 80 hour biweekly total. Therefore, if an employee works from 8:30 a.m. until 12:00 p.m. and then 1:00 p.m. until 4:45 p.m., only 7 hours and 15 minutes

can be credited toward the 80 hour total. The attorney may still list 8 hours worked on his or her time card which is calculated on a flexible schedule basis. However, if an attorney works from 8:00 a.m. straight through until 5:30 P.M., ONLY a maximum of 8 hours can be credited toward the 80 hour total. Again, 8 hours should be entered on the time card, consistent with the flexible schedule concept.

- b. Hours taken off on flex time during a pay period shall not be included.
- c. Paid holidays count as 8 hours worked except that hours actually worked on a holiday shall not be counted as: additional hours worked unless preapproved by the City Attorney or one of the Deputies.
- d. Vacation time taken during a pay period counts as hours worked.
- e. Hours worked at home shall not be counted unless preapproved by the City Attorney or one of the Deputies.
- f. Hours spent attending an authorized CLE seminar may be included in calculating the 80 hours; however, travel time to and from the seminar shall not be included in the 80 hour calculation, but need not be taken as either flex time off or vacation time.

Time off should be taken at the earliest opportunity, consistent with the demands of one's work. Because it is the policy of the office to balance workloads, accumulation of time off is not looked upon as a solution to a work overload. Employees who foresee a work overload for an extended period of time should bring this problem to the attention of their supervisor.

The payroll clerk records and maintains flex time balances. The blue flex time form should be used for recording all preapproved flex time and time worked outside of regular work hours. The buff colored form should be used to record flex time for work over 80 hours. These forms are then sent to your section supervisor for review. The supervisor in turn refers them to the City Attorney for final approval.

Negative flex time balances may not exceed 16 hours. Under no circumstance may an attorney's negative vacation balance combined with his or her negative flex time balance total more than -80 hours.

Attorneys who must perform work while on vacation or on flex time may not request additional flex time. Instead, attorneys should reduce the amount of vacation or flex time used. Where possible, attorneys should get pre-approval to work while on vacation or flex time.

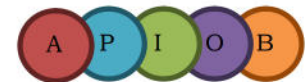
Comp Time



Comp time is earned by employees that do not earn flex time. Comp time must be pre-approved by the Special Assistant and is earned by working in excess of 40 hours in a week (s. 350-1-4, MCO). It is accumulated at 1.5 times the number of additional hours worked. For example, if you worked an additional 2 hours, you would receive 3 hours of comp time (2 hours x 1.5 = 3 hours). This time can be used exactly like vacation time. An employee may not accumulate more than 180 hours of comp time (s. 350-4-1-c, MCO). All earned comp time shall be paid as cash upon separation from city service (s. 350-4-2, MCO).

The payroll clerk records and maintains comp time balances. The comp time form should be used for recording all preapproved comp time and time worked outside of regular work hours. This form is then given to the Special Assistant for review.

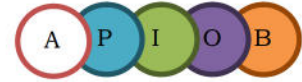
Entering and Leaving the Work Place



During regular business hours, before leaving the office an employee must notify the receptionist. This includes but is not limited to meetings in other areas of the City Hall Complex. Employees are prohibited from regularly leaving the building to feed parking meters on City time. Short-term metered parking in the vicinity of City Hall is intended for short-term use for the convenience of residents and not for employees of the City.

Outside of regular business hours, you will need your electronic ID to enter the reception area from the elevator lobby. Please also use it on the key pad when you exit to record your exit with security. The outer door electronic lock will be activated from 4:45 p.m. until 8:00 a.m. Please make sure to sign in and out at the City Hall lobby desk if you are working during weekend hours. This will help to assure your safety in an emergency.

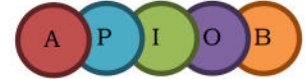
Overtime



All overtime must be pre-approved by your supervisor. It will be the practice of City Attorney's Office to pay cash for all overtime earned.

Leaves and Absences

Reporting Absences



Daily work schedules are to be maintained, and therefore, it is important that supervisors are informed of absences. Whenever possible, employees shall give advanced notice to a supervisor (voicemail and/or email messages are not considered acceptable forms of notice) before the scheduled starting time if employee will be absent from work.

Reports of absence are required for each day of absence unless otherwise directed by the supervisor and will not be accepted from persons other than the employee themselves, except in emergencies. The reason for any absence must be satisfactorily explained. Long term illnesses of more than five days require that the employee provide regular updates to their supervisor including doctor certificates for each doctor follow-up visit.

Failure to follow these procedures will be considered cause for disciplinary action. Notification of an absence does not necessarily constitute an excused absence.

Vacation Time



Vacation accrual begins on the first date of employment and is based upon an employee's actual time on the payroll. Accrual per pay period is as follows: (Note: the accrual rate summarized below includes what was previously referred to "09" time or, personal time.)

Hours Earned	Years of Active service:	Maximum Balances/Hours
3.7	Less than 4	176
5.3	At least 4 but less than 9	216
6.8	At least 9 but less than 14	256
8.4	At least 14 but less than 21	296
9.9	At least 21	336

Non-management employees hired before January 1, 2012 have been credited with a Transitional Vacation Account (TVA). “TVA” was established for eligible employees to preserve vacation earned under the previous vacation guidelines. TVAs include all hours of vacation earned in 2011 for use in 2012, plus all 2011 vacation earned but not used.

TVAs were calculated by applying the current monthly vacation rate to the number of service months from each employee’s Frozen Anniversary Date (FAD) through Pay Period 26, 2011. In addition, 2012 carryover vacation was added to this amount.

Employees may elect to use their TVA in the same manner as their annually accrued vacation. However, employees are not required to utilize their TVA (before a given date). (Note: An employee’s Transitional Vacation Account balance is reported on their City Time).

Vacation requests must be submitted in writing to your supervisor. If an attorney is going to be out of the office for three or more business days, a memo should be written to the City Attorney and appropriate Deputy at least 24 hours in advance of leaving, with a copy to the supervisor and the receptionist, indicating how long the attorney will be gone, where he or she can be reached, if possible, and who will be taking his or her phone calls and checking mail. The attorney should make sure out-of-office messages are in place indicating date of return and who should be contacted if attention is needed during the absence on his or her email and telephone.

Supervisors are responsible for approving vacation requests from their staff, and should be made based on the needs of the work units. The supervisors will determine the number of employees needed to staff their sections. Subject to operational requirements, the supervisors will permit as many employees as possible to be on vacation at any given time.

Should an employee need additional vacation time, the City Attorney may allow an employee to schedule up to 80 hours of borrowed vacation (allowing an employee to use -80 hours of vacation time). These hours will be reconciled annually as follows: TVA balances will be reduced by the total hours of borrowed vacation as of Pay Period (PP) 26 or 27. Such adjustments will be made in PP 2 of the following year. Employees without TVA balances will schedule only the vacation hours they will earn in the next pay period year. Please see the following examples.

Example A:

Employees with a negative vacation balance who also have a TVA balance at the end of the pay period year will have the negative vacation balance deducted from the TVA balance.

PP 26, 2013 TVA Balance = 80 hours & Vacation Balance (042) = - 20 hours

PP 02, 2014 TVA Balance = 60 (80-20 = 60)

Example B:

Employees with a negative vacation balance and without TVA balance at the end of the pay period year will only be allowed to schedule the vacation that will be earned during the next pay period year.

An employee without a vacation or TVA balance who earns 3 weeks of vacation, is approved for a 2 week vacation beginning January 1, an unexpected emergency arises and the employee requests and is approved to take another 2 weeks in August.

PP 01, 2013 TVA Balance = 0 hours & Vacation Balance (042) = 0 hours

PP 26, 2013 TVA Balance = 0 hours & Vacation Balance (042) = - 40 hours

In 2014, the employee will only be allowed to schedule 2 weeks of vacation.

Upon termination or upon leaving city employment, vacation balances will be paid in a lump sum. An employee may not remain on the payroll to exhaust their vacation.

A newly hired employee may schedule and use vacation, with the supervisor, once it is earned. However newly hired employees may not use borrowed vacation time (a negative vacation balance is not allowed until an employee has satisfactory completed one year of service and passed their probationary period).

In unique situations emergencies may arise. The supervisor may approve an emergency vacation request. When possible this request should be in writing.

Afternoon time off - For support staff working a normal schedule, afternoon time off is handled as follows: a full afternoon is 4 hours of time. If lunch is shifted to 1pm – 2pm, the remaining time off is 2.8 hours. Afternoon requests for less time than that are charged at the actual amount of time away from work, for example 2:30 to 4:45 equals 2.3 hours. For staff working a time-shifted schedule, corresponding adjustments should be made.

Sick Leave



Each fulltime employee accrues 12 days of sick leave per year. Sick leave is only for the necessary absence from work of the employee due to illness, injury, or pregnancy disability. In addition, if you request and qualify, in certain circumstances sick leave may be approved for situations covered by the Family Medical Leave Act ([FMLA](#)). It also covers doctor and dentist appointments. Sick leave is not allowed as personal off days.

Beginning on the effective day of this policy the use of the Doctor's Letter #1 and #2 will be discontinued. Doctor's excuses (medical documentation) will be subject to the provision contained in the policy outlined below.

After the first "occurrence" of Sick Leave following the effective date of the policy each employee's prior six months of Sick Leave utilization will be reviewed. If in the six month period reviewed there were three or more "occurrences" or a "pattern/incident" of sick leave use an action will be taken under this policy. Prior discipline taken under the former Sick Leave Control policy shall not be counted/considered.

Requirements of use of sick leave

In order for you to receive sick leave you must follow established work rules and have it approved by the supervisor. Some of those rules are:

- Employees must notify their supervisor or Front Desk each day as required by the work rules. Employees, not a spouse, friend or relative must call in. They should ask for their supervisor; if he or she is unavailable another supervisor or designated person is to receive calls.
- If you are sick and must remain at a location other than your home, you must report the address and telephone number of that location at the time you make your notification call to your supervisor.
- Upon return to work from any incident of sick leave use of 4 hours or more, fill out form [CBP156SickLeaveForm.pdf](#) and submit it to your supervisor.
- Any absence of 4 or more days requires a Doctor's certificate (excuse) to verify employee's need to be off work for illness and release date for return to work. Use form [CBP157_MedicalCert.pdf](#).
- Management may require employees to provide a doctor's certificate for sick leave "patterns/incidents of abuse." Patterns of abuse include, but are not limited to, sick leave taken before/after a weekend or holiday, scheduled weekends and /or in conjunction with vacation, job assignment refusal, and other situations to be determined by management.

Whenever an employee is required to submit a medical certificate for whatever reason, it is to be submitted when the employee returns to work. If the employee fails to submit an acceptable doctor's certificate to verify the absence, Sick Leave will not be authorized and the employee may be subject to disciplinary action.

Medical information is kept confidential in a locked medical file.

- Doctor and Dentist Appointments. Doctor and Dental appointments should be scheduled outside of working hours. However, when it is necessary to schedule an appointment during working hours, every attempt should be made for either the beginning or end of the work shift.
- Employees who have a number of office visits or lab tests should ask their doctor, dentist or clinic if they have evening or Saturday hours.
- Any falsification or inappropriate use of sick leave will result in discipline.
- Employees must have sick leave pay/balances to cover their absence. Taking sick leave without sufficient sick leave pay may result in disciplinary action.

Results of sick leave usage

Improper or excessive use of sick leave is the use of 3 or more occurrences of sick leave of any duration in any 6 months or a “pattern/incident of abuse.”

Depending on the circumstances, improper or excessive use of sick leave may result in:

- Denial of sick leave.
- Not being promoted
- Warning letter.
- Disciplinary action up to and including discharge to include:
 - First offense: One Day Suspension
 - Second offense: Three Day Suspension
 - Third Offense: Ten Day Suspension
 - Fourth Offense: Discharge

Excessive use of Sick Leave (unexcused absences, multiple occurrences, extended period of absence) may result in immediate action up to and including discharge for a first offense.

Review process

- An employee with 3 or more occurrences of sick leave in any 6 months or a “pattern/incident” of abuse may be issued disciplinary action.
- The City Attorney management will be looking at 6 months of actual service that means excluding layoffs, leaves of absences, injury pay, etc.
- Once an employee receives a Written Warning for sick leave abuse they will be subject to continuous review of their sick leave.
- An employee will move through the disciplinary progression with each set of 3 occurrences in 6 month period (Multiple sets of 3 occurrences or “pattern/incidents” of abuse and multiple disciplinary actions within in a 6 month period are possible).
- A Medical Document may be submitted for an absence before/after a vacation/holiday. This may result in the day not considered as a “pattern/incident” of abuse. However, the day will still be counted as an “occurrence.”
- An employee that does not have 3 occurrences in a 6 month period will be frozen at the existing level (“Frozen” means that the highest level of discipline issued in the past will be repeated if in a subsequent 6 month period 3 occurrences or a “pattern/incident” of abuse occurs).
- An employee will be reduced a level with zero (0) occurrences in a 6 month review period.
- Employees under continuous sick leave review will be subject to Home Visits. Any employee may be subject to Home Visits as determined on a case-by-case basis.

This document is intended as a “guideline” as to how the Sick Leave benefit will be administered. It is acknowledged that many cases will be unique as to employees, facts, documentation and timeframes, etc. Therefore, management reserves the right to make decisions that may deviate from these guidelines as necessary on a case-by-case basis. In addition, management reserves the right to make changes to these guidelines as needed. Every attempt will be made to notify employees in advance of any changes to these guidelines.

It is intended that the administration of the Sick Leave Policy be flexible. Extenuating circumstances and employees who are being treated for chronic illnesses or conditions will be taken into consideration when enforcing the policy. Support staff should furnish a doctor's certificate to the Special Assistant for chronic illnesses or conditions so that sick leave usage related to these illnesses will not count toward the number of total occurrences.

Application of this policy shall be consistent with and subject to provisions of and employee's rights under the [Americans with Disabilities Act](#), the [State and Federal Family Medical Leave Acts](#), and the [Wisconsin Fair Employment Act](#) disability provisions.

Medical/Dentist Appointment (069)



Sick leave regulations permit an employee to be excused for a paid absence of two hours or less without reporting it as paid sick leave. For payroll purposes, this time should be recorded under the pay code "069" Miscellaneous Unapplied Pay on the time entry system. Such short absences are limited to one per day, not to exceed three in any calendar year. The use of this provision is limited to instances related to the employee's own health, such as medical or dental appointments. The two-hour provision may also be used for blood donations and bone marrow donations, and may also be used to cover time for an initial visit by the employee to the Employee Assistance Program. These "069" absences do not count as an occurrence of sick leave. They are lost at the end of the year if not used.

City Holiday



Full-time and part-time limited-benefit employees are eligible for the following 11 holidays with pay when the holiday falls on Monday through Friday. Limited-benefit employees are granted time off on a prorated basis.

- New Year's Day (January 1)
- Dr. Martin Luther King's Birthday (third Monday in January)
- Good Friday (Friday before Easter Sunday)
- Memorial Day (last Monday in May)
- Independence Day (July 4)

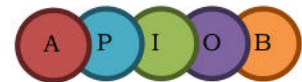
- Labor Day (first Monday in September)
- Thanksgiving (the fourth Thursday in November or the day appointed by the governor)
- The day after Thanksgiving (fourth Friday in November)
- The last normal work day before Christmas Day
- Christmas Day (December 25)
- The last normal work day before New Year's Day

Whenever Independence Day falls on a Saturday, the preceding Friday will be observed as a holiday. Whenever New Year's Day, Independence Day, or Christmas Day fall on Sunday, the following Monday will be observed as a holiday. Whenever New Year's Day or Christmas fall on Saturday, the following Monday will be observed as a holiday.

A non-exempt employee that is required to work on a holiday will be paid for the day (8 hrs.) and at the rate of one and one-half (1½) times their wages (8 x 1.5) for timed worked. Eligible employees will receive holiday pay if they have been on the payroll for at least two days during the calendar week in which the holiday occurred or the workday before and the workday after the holiday.

No holiday pay will be allowed if a holiday occurs within, immediately before, or immediately after a disciplinary suspension or unauthorized absence or unpaid absences or in cases when the holiday occurred within or immediately after a period of payoff.

Furlough Policy



All city officials and most employees are subject to mandatory furloughs as specified under 350-100 and 350-116 of the [Milwaukee Code of Ordinances](#).

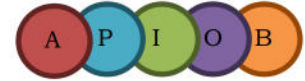
Blood Donations



The City Attorney's Office encourages employees, as a community service, to donate blood. Blood drives are periodically held at the City Hall complex. In addition, appointments can be made at the Blood Center of Southeastern Wisconsin.

Employees participating in a City sponsored Blood Drive are eligible for two hours of release time twice a year. To donate blood at any other time an employee may use vacation, compensatory or TVA time. Employees should work with their supervisors to schedule release time to donate blood.

Educational Leave



Employees may request an unpaid leaves of absence to pursue educational training. It is the policy of both the City and the City Attorney that fields of study must enhance the employee's current position or relate to other employment opportunities within the department. An Educational Leave may be approved for one (1) year at a time, and may be extended for a period not to exceed four (4) continuous years.

Employees may also request a special unpaid leave of absence for the purpose of pursuing special educational, personal development, or self-renewal interests. Employees with at least five years of service are eligible for a leave of up to one month and those having 10 years of service are eligible for up to a two-month leave of absence. Health, dental, and life insurance payments will continue to be made by the city while employees are on leave, and employees will be reinstated to their original position upon return.

Educational Leave will not be approved for pursuing other paid employment. If an educational leave is for more than one month, the department may fill the employee's position. An employee must notify their supervisor upon expiration of their leave. Employees returning from educational leave are eligible for reinstatement in accordance with City Civil Service Commission rules.

FMLA



The Family Medical Leave Act (FMLA) provides employees job protection and unpaid leave for qualified medical and family reasons. Qualified medical and family reasons include: serious health condition of an employee or eligible family member, family military leave, pregnancy, or placement of a child for adoption or the foster care. To begin the approval

process, complete the [FMLA forms](#) and return them to the Special Assistant. FMLA time is unpaid unless you qualify for substituting sick leave or other paid leave to remain on the payroll. There are limitations on the ability to substitute paid sick leave for unpaid FMLA leave.. The following documents are used for FMLA Requests:

- [Request for FMLA Leave](#)
- [Certification of Health Care Provider for Employee's Serious Health Condition](#)
- [Certification of Health Care Provider for Family Member's Serious Health Condition](#)

Funeral Leave



In cases of a death in the immediate family, an employee working a regular or alternative work schedule will be granted a leave of absence. Funeral leave shall be limited to work days falling within the 10 consecutive calendar-day period that begins on the day of death of the Immediate family; and shall not exceed three (3) eight-hour work days with pay.

Immediate family is defined as:

Spouse, child, sibling, parent, parent-in-law, sibling-in-law (either the employee's spouse's sibling or the spouses of the employee's sibling) or grandchild. Stepparents and stepchildren by virtue of the employee's current spouse and adoptive relationships are treated the same as natural relationships for the purpose of funeral leave administration.

Registered domestic partners of city employees are also included in the definition of "immediate family" if registered as such by the City Clerk as provided under Chapter 111 of the Milwaukee [Code of Ordinances](#). One day of leave shall be granted for the death of a grandparent of the employee.

Part-time limited benefit staff will be granted funeral leave on a prorated basis.

Page 28 An employee should notify their supervisor of a death in their immediate family at the earliest possible opportunity. Should the funeral leave coincide with any mandatory

furlough dates; the furlough time shall be rescheduled as approved by the employee's supervisor.

Inclement Weather



DEPARTMENT OPERATIONS ARE MAINTAINED - When departmental operations are maintained and employees either arrive late or are allowed to leave early, the following pay policies apply:

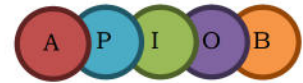
- FLSA non-exempt employees may use vacation, compensatory time, or take the time off without pay for time not worked.
- FLSA exempt employees may not have a pay deduction for a partial day absence and may use the “flexible schedule” provision established by Chapter 350-5 of the Milwaukee Code of Ordinances for time not worked. These employees may also elect to use vacation or comp time balances available to the employee.

NON-ESSENTIAL CITY OPERATIONS ARE SHUT DOWN BY THE MAYOR:

- FLSA Non-exempt employees who report to work prior to the announcement that City operations are shut down shall be paid for all time actually worked or shall be credited with two hours of pay, whichever is greater. Regularly scheduled straight-time hours not worked because of the shutdown shall be charged to vacation, compensatory time, or taken off without pay. On inclement weather days, when partial time is allowed for reporting to work, employees who call in sick will be granted sick leave time in the amount equivalent to the actual time allowed for those reporting to work. However, employees who were on sick leave the previous day or who provide a doctor's certificate will be allowed full sick leave for that day.
- FLSA Exempt employees who report to work prior to the announcement that City operations are shut down or who are released before the end of the work day cannot have a pay deduction for a partial day absence. These employees may elect to use vacation or may use time under the “flexible schedule” provisions established under Chapter 350 of the Milwaukee Code as determined by the Department Head. Full day

absences due to a shutdown should be charged to vacation or comp time balances available to the employee.

Jury Duty



Full-time and part-time limited benefit employees shall be granted time off with pay for jury duty upon presentation of satisfactory documentation relating to this duty. Employees will receive their full city salary for actual time spent as a juror. The amount paid by the city to the employee will be offset by the compensation the employee receives from the court minus monies paid for travel time and for jury service during non-work hours. No greater amount of time off than necessary is granted for jury duty. In the event an employee on jury duty does not receive an assignment, the employee must contact his/her supervisor and must report to work for the remainder of the day if work is available.

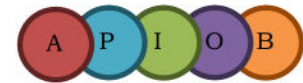
Time off to Vote



Employees are encouraged to fulfill their civil responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, your supervisor may grant up to 2 hours of unpaid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Medical Leave



Employees who have exhausted paid sick-leave benefits, or are ineligible for benefits must apply for an unpaid leave of absence when the time exceeds 24 hours in a pay period. A physician's statement is required for all medical leaves of absence.

For an unpaid medical leave of absence that is one month or less, the employee's position will be held. If a medical leave of absence exceeds one calendar month, the individual's original position may be filled. Employees whose original positions are filled will be eligible for reinstatement in accordance with the rules of the City Civil Service Commission.

Military leave



Military Training and Civil Disturbances: Regular, full-time employees are entitled to time off, with pay, when they are required to take a leave of absence for military training duty and/or civil disturbance duty in the State of Wisconsin as a member of the Reserves or National Guard. Time off for military training when limited to a single period in a calendar year, will not exceed 15 successive calendar days, including Saturdays, Sundays, and legal holidays. Time off for civil disturbance leave is limited to a single period during a calendar year and will not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays. Time off for military training or civil disturbance leave when taken on an intermittent basis in a calendar year will not exceed 10 workdays, including Saturdays, Sundays, and legal holidays for training; and 10 workdays, including Saturdays, Sundays, and legal holidays for civil disturbance duty. War veterans will receive full City pay plus all military pay. If a non-veteran's military pay is less than the employee's regular City pay, the City will pay the difference between the employee's military pay and City pay to guarantee the employee a combined amount equal to the City pay.

Enlistment, Induction, or Ordered into Active Service: Officers or employees of the City of Milwaukee who enlist, are inducted, or are ordered to active service in the Armed Forces of the United States or the State of Wisconsin, will be granted an unpaid leave of absence during the period of such service. Tenure and the right to return to the former position or a similar one are retained upon completion and release from active duty under honorable conditions provided an employee remains qualified to perform the duties of the position and is available for reinstatement. If an employee is no longer qualified, he/she will be employed in a position for which the qualifications are met and will retain the seniority status, pay, and salary advancement of the position held at the time the leave was taken. A leave of absence will be terminated if the employee fails to make application for re-employment within 90 days after being released from the service unless the employee is hospitalized by

the United State government for a disability incurred or aggravated in the line of duty. In such a case, the 90-day period will apply after discharge from the hospital.

Leave for Military Funerals: Officers and employees of the City of Milwaukee are allowed to attend military funerals of veterans, without loss of pay, when a request for leave is made by a proper veteran's organization that the services of that individual are desired for the proper conduct of the funeral.

Office Operations

Appeals



The decision to appeal or not appeal any final decision of an administrative agency or any court decision must be approved by the City Attorney. Attorneys should make their recommendations in the form of a memorandum addressed to the City Attorney. The memorandum should set forth the basic facts of the case, the nature of the decision, and the reason why the appeal should or should not be taken. References should be made to appropriate legal authority. An Appeals and Legal Policy Committee consisting of the Deputies and attorneys selected by the City Attorney from the staff make recommendations to the City Attorney relative to appeals.

Appeals in which the office represents the Respondent must be brought to the attention of the City Attorney by memorandum.

Bonds & Insurance Certificates



Section 304-71 of the [Milwaukee Code of Ordinances](#) relates to the approval of bonds as to form and execution. The ordinance sets forth certain mandatory requirements and authorizes the City Attorney to refuse to approve a bond if it presents any legal question as to its proper form, execution, or validity.

The following guidelines should be used in determining whether a bond or insurance certificate should be approved:

1. The bond or insurance certificate must be issued by a company licensed to do business in the State of Wisconsin or signed by an agent licensed by the State. The office receptionist will confirm this before distributing certificates to attorneys for signature.
2. An “affidavit of no interest” must be included in or attached to each bond or certificate pursuant to sec. 3.29 of the Milwaukee City Charter.
3. Only original documents should be approved. Mechanical or stamped signatures are acceptable.
4. Minor irregularities should not affect the validity of the document and may be accepted. Notary seals must be affixed where required. Notice to the City of cancellation must be present. Language permitting the insurer to “endeavor” to mail the notice of cancellation need not be stricken.
5. In certificates that relate to City contracts, the City should be named as an additional insured. Particular ordinances setting forth the requirements for other types of bonds or certificates of insurance should be consulted.

The name of the certificate holder should not simply be “City of Milwaukee”; a department or person should be specified so that notices can be directed to the appropriate offices.

CLE Credits



Attorneys are encouraged to participate in legal conferences and may prepare CLE presentations and related materials during office hours; however, attorneys may not earn flex time for this purpose or for travel time to and from conferences.

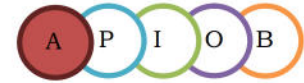
Code Books



It is essential that all attorneys understand the changes to the Milwaukee Code of Ordinances. In order to stay current the office staff is responsible for updating the Milwaukee Code of Ordinances for attorneys in their legal sections. As important as it is for

the office staff to update the Code Books in a timely fashion, it is equally important that the attorneys familiarize themselves with the changes.

Contracts



Section 3.03 of the [Milwaukee City Charter](#) provides that the City Attorney shall draft contracts as may be required by the business of the City. Contracts drafted by the office should state that the City Attorney's Office drafted the contract or be accompanied by a cover letter to this effect.

Section 304-21 of the [Milwaukee Code of Ordinances](#) requires the City Attorney to approve the provisions of all contracts in excess of \$25,000 for the purpose of determining whether the interests of the City are adequately protected. This approval can be indicated by an attorney's signature under "approved as to content" or, if it is a form document previously approved by this office, by a statement indicating that the terms of the contract have been approved by the Office of the City Attorney.

Contracts may be submitted to this office for approval as to form and execution, in addition to content approval. Contracts actually drafted by this office do not have to be approved as to content. Generally, the proper City officers can rely on the fact that our draftsmanship carries with it implicit assurance that the City's interests are protected.

Copy Services

The City Attorney's Office has many copy machines. These are the first and best option for the copying needs of the office. Additional thought should be given to the need for a paper duplication process. Electronic versions of files can be placed on CD/DVD and sent instead of paper copies in many cases. The City Attorney's Office has a CD/DVD duplicator that can handle multiple copies simultaneously.

However, occasionally larger print jobs may not be able to be handled by our copy machines. In these cases, we use an outside contractor. For the most recent list of vendors, please contact the Administrative Specialist, Sr. Please keep in mind that

additional time will be needed when using an outside vendor. Staff should keep this in mind when preparing materials with deadlines.

Courier Services



The City Attorney's Office uses Milwaukee Courier Company (MKE) for court filings and deliveries. MKE does a 3:00 p.m. daily pick-up of documents that need to be delivered or filed in the downtown area. For special deliveries (filings or deliveries that are necessary for times outside of the regular 3:00 p.m. daily pick-up or outside of the downtown area) contact MKE at 273-9810 for service. MKE service can be contacted for anything other than the regular 3:00 p.m. pick-up through their website (www.mkecourier.com), our login is **cityatty** and the password is **bulldog**) or by phone 273-9810.

The Police Department courier performs a daily pick-up and delivery of documents between our office, the Ordinance Enforcement Division (OED) and the Police Department. The daily run is performed between 9:15 a.m. and 10:30. There is a box labeled Police Department Pick-Up at the City Hall office reception desk. All correspondence and/or documentation to be delivered to a specific individual should be placed in an envelope with that person's name on it.

Please note the procedures we use for MKE.

- For all regular deliveries in our area use the 3:00 pickup.
- For all regular deliveries outside our area please call 273-9810 or use the MKE website.
- For all rush deliveries anywhere please call for service at 273-9810.

All documents to be filed in court or with an administrative agency by the courier services must be prepared and handled as follows:

- A yellow cover sheet must be prepared (Sample: Doc #10825) describing the type of document and the filing and serving instructions; the instructions should state where

the document is to be filed and when it is to be filed, *e.g.*, “Clerk of Circuit Court,” Judge Bellow,’ “today” “on or before July 3, 2003”, etc.

- An original and sufficient copies should be provided to comply with the applicable court rule. In addition, a copy should be provided for our file to be time stamped to conform with the copy filed, and if other counsel is to be personally served, then copies for other counsel are to be time stamped to conform with the copy filed. These papers should be fastened with a paper clip with the yellow sheet on top, followed by the original, and then the copies. Papers can be sent in an envelope if it is a one-way trip with a yellow cover sheet which can be file-stamped to show service and returned.
- Other counsel should be served by mail when possible. The copies should be mailed on the same day as the documents are given to be filed. If service by mail is not possible, the courier service should be instructed on the yellow sheet whom to serve along with the address and the date by which service is to be accomplished.
- All mail that must go out the same day must be down in the mail room no later than 4:00 p.m.

The U.S. mail should continue to be utilized whenever possible, because it is the least expensive alternative.

From time to time we may use other courier services on a temporary or trial basis. If this happens, you will be notified accordingly (i.e., Quicksilver or STS).

For fax filing in the Court of Appeals: The Clerk's Office fax number is (608) 267-0640. . You cannot, however, file by fax any paper that requires a filing fee. Briefs, petitions, and indigency applications cannot be filed by fax. If you have any questions regarding fax filings, please go to their [website](#) or contact the Court of Appeals at 608-266-1880.

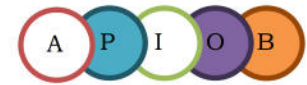
Court Costs



Attorneys are expected to tax costs and disbursements in actions or proceedings in which the City prevails to the extent permitted by law. If an attorney believes that costs should be waived, the attorney should obtain the approval of the City Attorney or one of the Deputies.

The attorney should prepare a written memorandum requesting approval and setting forth the reasons for waiving costs.

Court Reporting Services



The City contract for court reporting and transcription services is with Gramann Reporting. Please refer all requests for court reporting and transcription services to Susan Finnegan. She will make all of the necessary appointments and create reminders for the staff.

Document Destruction



The City Attorney's Office utilizes a secure document shredding service. The offices have a large security data cart in which documents intended for shredding should be placed. The cart is locked and periodically emptied by a contracted vendor. The documents are shredded in a secure offsite location and a proof of destruction memo is provided to the city.

The vendor charges by the pound. No personal or unnecessary documents should be shredded by this service.

Equal Employment Opportunity (EEO) Committee



The office Equal Employment Opportunity (EEO) Committee consists of: Melanie Swank, who is the Chairperson, John Heinen, Jay Unora, Genevieve O'Sullivan-Crowley and Sabrina Gillon, who is the Complaint Intake Advisor. If members of the staff wish to bring any pertinent matter to the attention of the Committee, especially those that may raise issues concerning the City's Anti-Harassment Policy, ADA Policy and/or Workplace Violence Prevention Policy, please contact anyone of the above-listed members. Should anyone need to contact a member of the Committee, do not do so via email. Email is not a confidential form of communication.

Facsimile Transmission (Faxes)



Support staff who are closest to the facsimile machine or first to come upon a fax are to personally hand-deliver the fax. Faxes should never be put in the recipient's mailbox unless the recipient's door is locked or you know the recipient is out of the office for an extended period of time. All faxes should be hand-delivered immediately.

Imputed Conflicts of Interest



Lawyers from this office often represent an agency of the City that may have interests that are different from another agency of the City that this office represents. For example, this office represents both the Fire and Police Chiefs and the Board of Fire and Police Commissioners. Additionally, situations may arise where this office will be in a position to represent both a “tribunal,” defined in [SCR 20:1.0\(p\)](#), (for example, the City Service Commission) and a party appearing before that “tribunal” (for example, a City department seeking to discipline or discharge an employee). This does not create a due process violation. [Marder v. Board of Regents](#), 2005 WI 159, ¶ 35-38. However, sometimes such representation presents a potential conflict of interest under the [Rules of Professional Conduct](#).

Under [SCR 20:1.11\(f\)](#) the conflicts of a government lawyer are not imputed to other lawyers in the office. However, whenever an imputed conflict would otherwise exist under the Rules, i.e. where an imputed conflict would exist if the lawyers involved were not employed by the government, timely screening must be implemented. Screening is defined in [SCR 20:1.0\(n\)](#) as procedures that are reasonably adequate to protect information that a lawyer has a duty to protect. Specifically, “screening” “requires the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law.” These are further explained in the ABA Comment on screening.

Whenever a potential conflict exists between two lawyers within this office, the involved lawyers in the office should refrain from communicating with each other or with other lawyers privy to information, with respect to the matter at issue. Steps must be taken to ensure that telephone conversation are not overheard and that files and other written or electronic materials are separated and stored so that the other lawyer cannot inadvertently come upon them. Any time a matter presents a potential conflict of interest, the involved lawyers should confirm to each other in writing, the origin and scope of the conflict and that they understand that the confidentiality of their respective clients must be protected. Additionally, the specific screening mechanisms to be employed in each such situation should be memorialized in writing.

This policy is promulgated only to give all lawyers in the office notice of the [Rules of Professional Conduct](#) and is subordinate to the requirements of the Rules themselves

IT Policies and Procedures



Information Technology policies and procedures for the Office of the City Attorney are available in DocsOpen, document number 218536.

Mail Handling Procedures



The following precautionary measures should be followed by all staff members handling incoming mail or packages. Do not open any suspicious looking mail or packages. Some typical characteristics of suspicious mail or packages may include: letters or parcels that have any powdery substance on the outside, are unexpected or from someone unfamiliar to you, have no return address or can't be verified as legitimate, are addressed to someone no longer working here or are otherwise outdated, are of unusual weight given their size or are lopsided or oddly shaped, or have an unusual amount of tape on them, are marked with restrictive endorsements such as "Personal" or "Confidential," have strange odors or stains, or show a city or state in the postmark that doesn't match the return address. Isolate these types of pieces of mail or packages and do not open them. Management will check these pieces of mail or packages. If you receive an anthrax threat do not handle the mail

piece or package suspected of contamination; notify a manager or one of the Deputy City Attorneys immediately.

Even though the threat of a contamination in our workplace is highly unlikely, it is better to be cautious and follow safe mail-handling procedures.

Mail Room Service



The City Hall Complex mailroom uses a private mail pick-up service for delivery of its mail to the Post Office. Outgoing U.S. mail may not get postmarked and go out the same day if it is taken to the mail room, depending on the time it arrives at the mail room. If you have outgoing mail that must be postmarked on a particular date, use the U.S. Mail. Do not rely on the City Hall Complex mailroom service. U.S. Mail pick up in the City Hall complex is 1:00 p.m.

News Media



When attorneys have prepared a legal opinion issued by the office or when attorneys have made a presentation to a board, committee, or court in connection with a matter assigned to them, attorneys may respond to requests from the news media to explain their opinion or their presentation. Attorneys should not initiate contacts with the media without prior approval from the City Attorney or one of the Deputies.

Requests from the media on other matters should be referred to the City Attorney or a Deputy.

Office Recycling



There should be two containers at your workstation:

- The small white or gray container is for garbage (food wrappers, photographs, tissues, etc.).
- The medium size waste paper basket is for all white and mixed color paper.

Aluminum can and glass recycling containers are located throughout the office. Certain plastics may also be placed in these containers. There are a few large red bins around for paper recycling, primarily at copy machines and printers. The kitchen also has a special container for compost materials.

Opinion/Assignment Procedures



The following procedure should be used when preparing legal opinions and assignment letters:

- 1) Type the legal opinion/assignment letter, creating the document through ProLaw (the attorney should supply you with the ProLaw number). If it is an opinion, please be sure to profile it as an opinion in DocsOpen. If you are not sure whether the item is an opinion or assignment, ask the attorney.
- 2) After the opinion is finalized by the attorney, an Opinion Review Form must be filled out. If there are none in your work area, a supply is always kept in the supply room.
- 3) All legal opinion/assignment letters and all attachments must be reviewed by the section heads unless instructed otherwise due to the section head's absence. The section head will forward the opinion to the City Attorney if no changes are necessary. If changes are requested, the opinion/assignment letter will be given back to the attorney who drafted it.
- 4) Before giving the opinion/assignment letter to the City Attorney for signature, please make sure the date on the front page and the header date are current. Once signed, and unless otherwise instructed, the typist will need to make the following copies and distribute them accordingly:
 - a) Copy for the ProLaw file.
 - b) Copy for the attorney (if requested).
 - c) If the document is an opinion, a copy is to be given to the person coordinating ProLaw files for the opinions library. It is not necessary to include attachments; however, if the assignment letter has an ordinance, resolution or affidavit attached, give the person who coordinates the opinion/assignment a copy of it.

- d) Copy for City Clerk, if the opinion is addressed to a member of the Common Council.
- e) Any other requested copies.

5) Please keep in mind that this office issues opinions to City departments, City agencies, and City officials. Any other type of correspondence, while it may look like an opinion, is not officially an opinion and should not be treated as such.

Opinions



Legal opinions should be written in response to requests from the Mayor, members of the Common Council, department heads, or their designees, and authorized MPS personnel.

All requests for opinions should be in writing and submitted to the City Attorney or his Deputies for assignment. In an exceptional circumstance, it may be necessary for an attorney to prepare a memorandum to the City Attorney, which will generate a legal opinion for which there is no written request. No opinion is to be transmitted or released without the approval and signature of the City Attorney or his Deputies.

Attorneys writing opinions shall clearly and concisely answer the question raised in the opinion request and any other question that is necessary to a resolution of the matter. Each opinion should state in the first sentence the date of the request being answered. Opinions shall reference legal citations on salient points of law. Before an opinion is submitted for approval, all previous opinions on the same subject matter should be checked. If the opinion is at variance with previous opinions of this office, an explanation shall be made in the body of the opinion.

It is the standard practice of this office to retain the signed opinion. Dissemination will occur via email unless other arrangements are requested in a special circumstance.

Page 42 Opinions cannot be rendered to private individuals. Attorneys faced with requests for legal opinions from private individuals should attempt to be polite and helpful. They should

clearly point out that they do not have the ability to give legal opinions to private individuals. Attorneys shall not offer recommendations on matters of public policy.

All opinions issued by the City Attorney's Office prior to 2009 are kept in binders. Those binders are located on shelves in a room on the north end of the 8th floor of City Hall. A card catalog is also located in the copy room. The catalog is arranged alphabetically by topic and was prepared for all opinions through 1993. From 1994 to the present, no card catalog exists for the opinions. Each card contains a summary of the opinion and a reference to the volume and page number where that opinion can be located.

The City Attorney's Office undertook a project to image and OCR its opinions and card catalog (put them in a format so that they would be word searchable) so that this information would be accessible through everyone's computer. The entire card catalog has been imaged. All opinions from 1975 to the present have been imaged and OCR'd. Opinions from 1974 and back have been imaged only. All of these images are stored in DocsOpen in a library entitled "Opinions." Only imaged/OCR'd opinions are stored in this library.



Outside Counsel/Expert Witness

Outside Legal Counsel

It is permissible to use outside legal counsel in the following situations:

- Cases where there is a conflict of interest; and
- Cases where additional legal expertise is needed.

Prior to any request for Outside Counsel, check with the Special Assistant to verify that funds are available and can be encumbered in the amount desired. In cases where it is necessary to obtain outside counsel, a memo should be sent to the City Attorney requesting an appropriation and explaining why outside counsel is necessary. Outside counsel will be hired at the discretion of and by the City Attorney.

Uniform contracts should be used in those matters when an outside attorney is retained by our office to represent the City. Contracts should include a detailed scope of service to be provided, a not-to-exceed rate that is sufficient to cover all anticipated work, and a provision for detailed invoices. A sample contract is DOCS #82195. All agreements for retention of outside counsel should be given to the Special Assistant to the City Attorney so that the office can maintain a central contract file. Cases should be periodically reviewed to determine if the current appropriation is adequate.

The Common Council requires that this office advise the Judiciary and Legislation Committee in writing within 48 hours of the hiring of any outside counsel. Please make sure that your supervisor has the information necessary to meet this obligation.

Expert Witnesses

Procurement of expert witnesses, other than independent medical examinations, with an anticipated cost of more than \$1,000, is to be approved by the case attorney's supervisor. Prior to any request for an Expert Witness, check with the Special Assistant to verify that funds are available and can be encumbered in the amount desired.

The majority of experts hired are medical experts who provide independent medical examinations. Generally, our office will obtain an expert witness if the plaintiff hires an expert. Based upon the amount of the lawsuit and any settlement offered, the supervisor and the attorney assigned to the case review the situation and decide whether to obtain an expert.

Uniform contracts should be used for all cases in which an expert witness is retained and the total cost is anticipated to exceed \$10,000. The contract should include a detailed scope of services to be provided, a not-to-exceed rate, and a provision for detailed invoices. A sample contract is DOCS #219636. All agreements for retention of outside counsel should be given to the Special Assistant to the City Attorney.

The Common Council requires that this office advise the Judiciary and Legislation Committee in writing within 48 hours of the retention of any expert whose compensation is

anticipated to exceed \$10,000. In addition, the Special Assistant to the City Attorney must submit a biannual report to the Judiciary and Legislation Committee of expenditures from the Outside Counsel/Expert Witness Fund. Please make sure that your supervisor has the information necessary to meet this obligation.

Privacy



Offices, office furnishings such as (but not limited to) desks and file cabinets, and other areas provided to office staff for storage purposes constitute City property. Management, and persons authorized by management, maintain a right to access and inspect all such areas at any time. Employees, therefore, should not have an expectation of privacy in any such spaces. This access policy is not intended to apply to purely personal effects such as purses, wallets, or clothing.

Receptionist Relief Procedures



A staff member has been designated to provide relief for the receptionist when she is out of the office for the entire day or a partial day. Support staff members classified below a Legal Office Assistant IV level are normally required to provide relief for the receptionist's lunch and break periods on a rotating basis. The Administrative Specialist, Sr distributes a weekly rotation schedule that identifies staff members' individual weeks. If for any reason you are unable to fulfill your relief responsibilities during the week assigned to you, please make arrangements to switch with someone in the rotation and inform both the Administrative Specialist, Sr and the Special Assistant of that switch. If on a given scheduled day you are unable to provide backup due to workload, please contact the Administrative Specialist, Sr or (in her absence) Special Assistant and they will find someone to replace you. If you are not in a position to find a replacement due to illness, an emergency situation, or if you are rushing a work assignment, you are to let the Administrative Specialist, Sr. or (in her absence) the Special Assistant know that a replacement is needed for your front desk relief duties. You are responsible for finding a replacement for all other situations wherein you cannot fulfill your responsibilities.

The following procedure should be used to activate the phone system and digital voice recorder:

MORNING:

Make sure that X4801 is the active extension. Press the **“AVAIL”** button in the top right-hand corner of the phone faceplate. A red light should appear next to it. After pressing the **“AVAIL”** button, press the **“DAYS”** button that is located directly under the **“AVAIL”** button. You **will not** see a red light, but you will see a number quickly scroll across the called ID screen that will let you know that the day message has been activated. Return the handset to the base.

EVENING:

Make sure that X4801 is the active extension. Press the **“UNAVA”** button in the upper right-hand corner of the phone faceplate. A red light should appear next to it. After pressing the **“UNAVA”** button in the upper right-hand corner, press the **“NIGHTS”** button. You **will not** see a red light, but you will see a number quickly scroll across the caller ID screen that will let you know that the evening message has been activated. Return the handset to the base.

PLEASE NOTE

You will not see a red light by the **“DAYS”** or **“NIGHTS”** buttons on the faceplate. You will have to watch the ID screen to make sure that a number flashes on the screen to make sure that the message is activated. If you are still unsure, you can simply press X4802 or X4803 and dial X2601 and listen to the message that plays to make certain that you have selected the correct one. You do not have to move or change anything on the digital recorder (located behind the computer monitor. It is currently set to play message #1 and should remain on that setting.



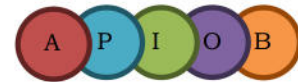
OED office staff should forward the main telephone line during the lunch period to the ZMB 7th Floor receptionist to assure that all calls are taken.

Seminar/Conference Attendance



Prior to attendance at any conference or seminar, employees must prepare a memo directed to the City Attorney requesting approval to attend. Included in the request are the details of the conference/seminar (date, location etc.) as well as justification for attending. This procedure must be followed for out-of-town as well as for those in the metropolitan area.

Service of Documents



State Process Service, Inc. (SPS) provides the service of legal process and subpoenas. SPS should be called when service of legal process and subpoenas is required. The telephone number for SPS is (414) 256-7000. Staff should complete a request form (Sample: Doc #142927). The office account number is #400 and should be designated on the form. There is a wooden tray on the south side of the ZMB 7th floor receptionist desk where the documents can be placed for pickup. After desired service has been performed, a notarized affidavit of service with the courts will be provided for court filings. This affidavit is sent to Docketing for inclusion in the file.

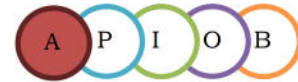
Settlements



Attorneys do not have the authority to commit the City to a settlement of any case or claim. All settlements, regardless of whether they are to be paid for out of reserves established for automobile liability, the Common Council Contingent Fund, or a fund established in the City Attorney's Office, must be approved by the City Attorney or his Deputies. Settlements over \$5000 not involving use of a motor vehicle are not binding unless approved by the Common Council.

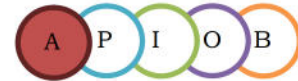
Approval of the City Attorney requires the signature of the City Attorney or, in his absence, his Deputies on any letter authorizing or recommending the settlement.

Substitutions and Recusals



Attorneys desiring to substitute or seek recusal of a judge or hearing examiner, must obtain permission in advance from the City Attorney or a Deputy.

Telework Policy



Telecommuting is at the discretion of the City Attorney. The City Attorney is under no obligation to offer a telecommuting option to employees. Telecommuting is not a right or benefit.

Definition

Telecommuting, or working from home or another location, is a working arrangement, mutually agreed upon by the employee and the City Attorney's Office, where the employee works at an alternative work site on specified days and/or for specified hours. The City Attorney has the right to refuse to make telework available to an employee and to terminate a telework arrangement at any time.

Application

This policy applies to temporary or occasional work arrangements such as dependent care, inclement weather, recovery from illness, caring for an ill family member, or instances where an employee is assigned to work from home.

Eligibility

An eligible employee:

- Must be a regular City employee who has successfully passed his or her probationary period and has a documented history of job performance that meets or exceeds the City Attorney's expectations.
- The employee's assignments and duties must be such that there is no difference in the level of service provided to or by the City Attorney's Office as a result of the telecommuting arrangement.

- The employee must possess the appropriate equipment to allow the job to be performed away from the City Attorney's Office.
- The employee will be in compliance with all applicable IT, security, privacy and confidentiality policies and procedures.

Security

It is the responsibility of the employee to take all precautions necessary to secure confidential information and to prevent unauthorized access. The employee is required to observe all office security practices when working outside the City Attorney's Office to ensure the integrity and confidentiality of information. Steps to ensure the protection of confidential information include, but are not limited to, use of locked file cabinets and desks; regular password maintenance; firewall; and any other steps appropriate for the job and the environment.

Virtual Private Network (VPN) may be available to an employee under certain circumstances: The employee must have a need for remote access to the network. VPN access must be approved by the City Attorney or the Special Assistant. Anti-virus and firewall protection must be used and continually updated. The employee must have an Internet connection and a computer that meets ITMD's standards.

The City Attorney's Office reserves the right to terminate remote access privileges to employees when necessary to protect the security, integrity, and availability of the City Attorney's network.

The employee agrees to immediately report to the Special Assistant and the IT Support Specialist any incident or suspected incidents of unauthorized access and/or disclosure of City Attorney resources, databases, or other information.

Products, documents, and records used and/or developed while telecommuting shall remain the property of the City, and are subject to City and City Attorney's Office policies regarding confidentiality and records retention requirements.

Duration

The telework agreement may be cancelled by the City Attorney at any time when it is determined that continuation would not be productive, efficient, or otherwise not in the best interest of the City Attorney's Office or the City.

Documentation

Hours spent teleworking shall be documented. Telework hours shall not be counted unless pre-approved by the City Attorney or one of the Deputies.

An eligible employee shall report, to the City Attorney or one of the Deputies, the day and date; number of hours worked; and a description of work assignment(s).

Communication

While teleworking, the employee should be accessible during the agreed upon hours.

Expenses

The City Attorney's Office does not pay for installation or ongoing service fees for telephone or internet access. The City Attorney's Office will not be responsible for providing IT maintenance or support for employee owned computer equipment.

Performance Standards

The employee must maintain the same or an improved level of productivity and work quality while teleworking. If productivity and/or work quality begin to decline, the telework agreement will be reevaluated to determine if changes can be made or if the agreement needs to be terminated. Telework allows a high amount of flexibility for an employee to complete their work in a timely and proper manner, and it is expected that the employee will not abuse this opportunity by allowing their productivity or work quality to decline.

Transfer of Files



Attorneys are responsible for the proper handling of the files assigned to them. Assignment of files is the responsibility of the City Attorney and the Deputies. While it is understood that a scheduling conflict may require attorneys to assist one another with their files on

occasion, attorneys are not to assist one another on files on a continuing basis or to transfer files without a formal assignment from the City Attorney or the Deputies.

Travel Expenses and Parking



With certain exceptions, attorneys are not entitled to receive travel expense reimbursement for travel within the local area, other than for parking expenses incurred for city business. Attorneys are to use the parking coupons provided for use at the MacArthur Square parking structure. Parking reimbursements for other locations are made once a month by submitting parking receipts to the Administrative Specialist, Sr., who will issue a City Attorney check as reimbursement. Parking coupons may be obtained from the receptionist.

Travel expense reimbursement for travel outside of the local area in pursuit of City business is available to attorneys upon authorization in accordance with the applicable procedures of the City.

The City requires City employees traveling to Chicago on City business to use Amtrak. If a personal auto is used, reimbursement will be at the current rate of a round trip Amtrak ticket. Travel-expense reimbursement for attendance at seminars or conventions is available only with the approval of the City Attorney.

City Policies and Employee Benefits

Who to Contact

The best source of information regarding city policies that relate to your employment is the City of Milwaukee Department of Employee Relations, available at the following address:

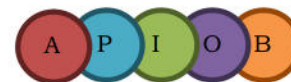
<http://city.milwaukee.gov/DER>

Page 51 Information can be found there regarding the Americans with Disabilities Act (ADA), Anti-Harassment Policy, City Service Commission Rules, City Code of Ethics, Commuter Value Pass, Deferred Compensation Plan, Direct Deposit, Drug Free Workplace, Employee

Assistance Program, Employee Retirement System, Firearms, Health/Dental/Life Insurance, Injuries and Accidents, Probationary Period, Residency Requirement, Tuition Reimbursement, Workplace Violence, and more.

Discipline Process

Discipline Grievance Process



The City of Milwaukee strives to create employment policies that treat employees fairly and equitably and to ensure that disciplinary actions are prompt, uniform, and impartial. The City of Milwaukee has established this Grievance Procedure for eligible employees to utilize in matters concerning disciplinary action that are not appealable to the City Service Commission. Employees who are not subject to the rules of the City Service Commission as defined under 63.27 of the Wisconsin state statutes are not covered by this Procedure.

Regularly appointed employees, who have passed probation, may use this grievance procedure for written warning notices or disciplinary actions of unpaid suspensions of 1 to 15 days. Employees covered by this Procedure who receive two or more suspensions within six months of a former one, independent of the length of such second suspension, are required to file an appeal on the second and subsequent suspensions with the City Service Commission in accordance with RULE XIII, Section 2, if they choose to contest the discipline.

Every reasonable effort should be made by employees and supervisors to resolve any concerns, questions, or misunderstandings that have arisen from the imposition of discipline before filing a grievance.

Step 1

If discussions with the employee's supervisor do not resolve the grievance, a [grievance initiation](#) may be filed within five (5) working days from the employee's receipt of the disciplinary notice at a management level just above the chain of command at which the discipline was administered. In some instances this will be the Department Head or

designee. The grievance will be processed in accordance with Step 2 of this Procedure. The manager may confer with the employee and shall provide a [written disposition](#) to the grievance within fifteen (15) working days of such meeting or within fifteen (15) working days of receiving the grievance initiation.

Step 2

If the grievance is not resolved, the employee may [appeal in writing](#) to the Department Head or designee within five (5) days of receiving the grievance disposition. The Department Head or designee shall confer with the employee and other department personnel as necessary and will provide a written response within fifteen (15) working days of such meeting or within fifteen (15) working days of receiving the grievance appeal.

Step 3

If the grievance is not resolved, the employee may [appeal in writing](#) within five (5) working days of the receipt of the disposition from the Department Head or designee to the City's Labor Negotiator, who will act as the independent reviewer for the appeal. The review by the Labor Negotiator will be the final step of the grievance process. This review shall be conducted as soon as administratively practicable.

The Labor Negotiator may allow for the presentation of information in person or in writing. The Labor Negotiator shall determine whether the discipline was reasonable under the circumstances and shall issue a decision in writing as soon as practicable either affirming, reducing, or overturning the discipline, upon conditions the independent reviewer deems appropriate for the circumstances.

Documentation and Timeline

All grievance initiations and dispositions will utilize the appropriate forms provided by the Department of Employee Relations. A grievance will be processed pursuant to the established timelines. A grievant may not file or advance a grievance outside of the designated timeframes. Any grievance having been answered and not appealed to the next step within the allotted time shall be considered resolved as of the previous disposition.

Failure to process a grievance by an employee within the time limits set forth under this procedure, or agreed upon extensions, shall constitute termination of the grievance. Failure of the department head or designee to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. Time limits may be extended by agreement in writing of the parties at any step of the procedure.

Employee Representation

The grievant may be accompanied by a representative at any step of the grievance procedure. If the employee desires an employee of the City to represent him/her, the employee representing the grievant will have to receive permission to be excused from his/her regular duties and may be required to act on his/her own time. Meetings under provisions of this Grievance Procedure should be scheduled at the beginning or ending of work shifts or in a manner that minimizes the disruption to departmental operations.

Summary report to CSC

The City Service Commission shall receive an annual report of the number of grievances reviewed at Step 3 and the nature of the resolution at that step.

Safety Grievance Procedure



The City of Milwaukee is committed to providing a safe work environment for employees by promoting employee readiness for situations that may threaten their welfare and supporting employees in identifying and reducing at risk behaviors that may contribute to unsafe work practices. We strive to provide a work environment that is free of hazards and that meets federal and state safety and health standards and regulations.

This commitment relies on the expectation that it is the responsibility of all personnel to create and maintain a safe work environment. The City's safety program requires strong cooperation between management and employees and the availability of clear communication mechanisms that allow for the identification of workplace hazards,

consideration and implementation of effective and preventative solutions, and the development and coordination of training programs to address safety needs.

This Grievance Procedure is designed to allow employees to identify, document and report safety related concerns that present a threat of injury or illness and to allow managers, supervisors, and/or Safety Officers to address those concerns in a timely and expeditious manner.

“Workplace Safety” means conditions of employment related to the health and safety of employees and includes safety of the physical work environment, the safe operation of workplace equipment and tools, the use of personal protective equipment, training requirements, warning requirements, workplace violence and accident risk.

The City of Milwaukee has a zero tolerance policy for incidents or threats of violence by employees, visitors, and the general public. The City’s [Workplace Violence Prevention Policy](#) (WVPP) prohibits acts of intimidation, threats, or bullying. Violent, threatening, intimidating, or other disruptive behaviors must be reported by employees under the WVPP and investigated by supervisors immediately. Behaviors or other matters addressed by the WVPP are not subject to this Grievance Procedure.

Grievance Procedure

Every reasonable effort should be made by employees and supervisors to resolve workplace safety concerns or problems before filing a grievance. Safety concerns or problems requiring immediate action or follow-up shall not be delayed by the steps outlined in this procedure. It is the employee’s responsibility to immediately notify the supervisor of the safety hazard. It is the supervisor’s responsibility to respond accordingly and without delay.

Step 1

If discussions with the employee’s supervisor do not resolve the workplace safety grievance, an employee must prepare and file a [written grievance](#) within five (5) working days of actual knowledge of the workplace safety concern or when the employee should have reasonably

known of the workplace safety concern. The grievance initiation must be provided to the manager just above the chain of supervision at which the concern was discussed and a copy shall be provided to the Department's Safety Officer, where applicable. The grievance shall contain a clear and concise statement of the pertinent facts including the workplace rules allegedly violated, if applicable. The grievance should identify a proposed remedy for the alleged violation or safety concern. The manager may confer with the employee and relevant personnel, including a representative of the employee's choosing, in an attempt to resolve the grievance. Within ten (10) working days of the grievance initiation, the manager shall provide a [written disposition](#).

Step 2

If the issue remains unresolved, the employee may within five (5) working days of receiving the grievance disposition, forward a [written request for review](#) to the Department Head. The Department Head or designee may confer with the employee and relevant personnel, including a representative of the employee's choosing, and shall provide a written disposition of the grievance within ten (10) working days of receiving the request for review or within ten (10) working days of a meeting to discuss the grievance, whichever is later.

Step 3

If the issue remains unresolved, the employee may submit a written appeal within five (5) working days of receiving the written disposition from the Department Head or designee to the Director of Employee Relations. The Director of Employee Relations or his/her designee will act as the independent reviewer for the appeal. The Director or designee may confer with the employee and departmental personnel as necessary and notify the employee and the department of the decision in writing within thirty (30) working days from the date of the appeal or the date a meeting is held. The Director or designee shall issue a final disposition instructing the department of necessary steps to resolve the grievance. There is no right to a hearing before the City Service Commission.

Administrative Considerations

Any grievance filed regarding workplace safety must relate to issues personal to the grievant filing the grievance. A grievance filed regarding workplace safety must be filed by the grievant claiming he or she has been personally affected by or witnessed the alleged workplace safety violation. The resolution of the issues may take into account relevant risk factors, including, but not limited to:

- whether the concern or hazard can be isolated;
- the number and location of employees affected;
- whether appropriate temporary measures are possible or desirable;
- whether environmental monitoring is desirable; and,
- the time that may elapse before the hazard or risk is permanently corrected.

Documentation and Timeline

All grievance initiations and dispositions will utilize the appropriate forms provided by the Department of Employee Relations. A grievance will be processed pursuant to established timelines. A grievant may advance a grievance to the next step if a response is not provided within the designated timeframes. An employee may not file or advance a grievance outside of the designated timeframes. Any grievance having been answered and not appealed to the next step within the allotted time shall be considered resolved as of the previous disposition.

Time limits for any step in the procedure may be extended by agreement of the parties.

ANTI – HARASSMENT POLICY

May, 2018

The City of Milwaukee is committed to maintaining a professional and positive work environment where all individuals are treated with respect and dignity. It is therefore the policy of the City of Milwaukee to provide a work environment that is free from sexual harassment and harassment or discrimination based upon age, race, national origin, disability, creed (religion), color, marital status, ancestry, sexual orientation, gender identity or expression, arrest record, conviction record, military service; the use or non-use of lawful products off the employer's premises during non-working hours; declining to attend a meeting or to participate in any communication about religious matters or political matters; genetic testing; lawful source of income, victimhood of domestic abuse or sexual assault, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories. These categories are protected under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, the State of Wisconsin Fair Employment Relations Act and City of Milwaukee Code of Ordinances.

Harassment, including sexual harassment, whether verbal, physical or arising out of conduct at the workplace, at department or City sponsored social functions, or outside of the workplace is unacceptable and will not be tolerated by the City of Milwaukee. Such conduct, whether committed by employees, management, vendors, residents or other non-employees will not be tolerated. The City of Milwaukee is committed to ensuring that:

- (1) the appropriate accountability structure and protocols are in place to try to prevent harassment and respond appropriately when it occurs;
- (2) the appropriate resources and training options are available and used;
- (3) multiple avenues are easily accessible and available for employees to report allegations;
- (4) investigations are conducted by investigators formally trained in conducting harassment investigations;
- (5) employees who make claims of harassment or provide information related to such claims are not subjected to retaliation;
- (6) the identity of claimants and respondents will be kept confidential to the extent practical and appropriate under the circumstances, and as permitted by law;
- (7) thorough and impartial investigations are conducted as soon as practical, when allegations of harassment are filed;
- (8) those found to be in violation of the Anti-Harassment Policy are held accountable in a responsible, appropriate and meaningful way.

Discipline for violation of this Policy may not be progressive, depending on the severity or pervasiveness of the harassment. A first violation, depending on the facts and circumstances, may warrant suspension or discharge.

This Policy applies to all general city employees. Employees of the Police and Fire Departments should refer to their respective standard operating procedures for the applicable policies.

Prohibited Conduct

Harassment based upon any protected category is not tolerated. Sexual harassment is a form of discrimination on the basis of gender and the conduct described below is prohibited. The term “sexual harassment” means any unwelcome sexual advance, request for sexual favors, or other conduct of a sexual nature including, but not limited to, written communication, displaying images or text, sending messages containing images, jokes, videos, sound clips, or any verbal or physical conduct, where:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the person; or
- (3) Such conduct is so severe or pervasive that it unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment.

There are two forms of sexual harassment. They include “Quid pro quo” harassment and “hostile work environment” harassment. “Quid pro quo” harassment is when an employee’s benefits (i.e. raises, promotions and desirable working hours) are directly linked to compliance with sexual advances. Hostile work environment harassment is when the conduct is so severe or pervasive that it creates an offensive and unpleasant working environment. This conduct typically consists of verbiage of a sexual nature, the presence of unwelcome sexual materials or unwelcome physical contact that is accepted as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Examples of sexual harassment include:

Verbal: sexual innuendo, suggestive comments, jokes of a sexual nature, lewd remarks and threats, requests for any type of sexual favors (including repeated, unwelcome requests for dates), personal questions about an employee’s social or sexual life, and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment.

Nonverbal: the distribution, display or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex. Nonverbal harassment also includes suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters and notes, photos, text messages, tweets, and internet postings, or other form of communication that is sexual in nature and offensive.

Physical: Any unwelcome unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Examples of other types of harassment when focused on a protected group include:

Verbal: slandering, ridiculing or making harmful and often untrue statements, persistent name calling, mocking or mimicking someone’s accent, using a person as butt of jokes, use of “hate words,” and verbal abuse or “kidding,” or threat of harm that is oriented toward a protected group.

Nonverbal: the distribution, display or discussion of any written or electronic material, including calendars, posters, and cartoons that are offensive or show hostility toward a protected group; suggestive or insulting sounds, leering, staring, gestures that are offensive toward a protected group.

Physical: Any unwelcome unwanted physical contact, including pushing, shoving, kicking, poking, tripping, damage to work area or property; impeding or blocking normal work, access to tools and equipment or movement in workplace oriented toward a protected group.

Roles and Responsibilities

Everyone in the City of Milwaukee plays a role in preventing harassment and appropriately responding to it when it occurs. The following section of this Policy is designed to identify and list the most critical responsibilities of each level within the organization.

EMPLOYEES

- (1) Read and understand the Anti-Harassment Policy and participate in education and training sessions available through their department or the Department of Employee Relations (DER).
- (2) Employees who are the target of harassing behavior should notify the offender of the offensive behavior and request that the behavior cease.
- (3) Employees who are not comfortable approaching the offender should immediately report it to any management employee or supervisor within their department.
- (4) Employees who are not comfortable reporting the complaint within their chain of command have the right and responsibility to report it to the DER.
- (5) Employees who directly observe behavior that they believe may represent a violation of this Policy are encouraged to report it to any management employee or supervisor within their department, the department's Personnel Officer or the designated departmental representative performing HR functions, or to the DER.
- (6) Employees are expected to cooperate and participate in harassment and other workplace investigations when asked.

EMPLOYER (THE CITY)

Managers and Supervisors

- (1) Exhibit behaviors that demonstrate support for the City's commitment to a professional and positive work environment where all individuals are treated with respect and dignity.
- (2) Clearly define behavioral expectations in the workplace, enforce applicable work rules and policies and promptly address violations when they occur.
- (3) Respond appropriately to behavior which may not rise to the level of severe or pervasive so as to rise to legally actionable "harassment" but which, if left unchecked, may lead to same.
- (4) Exercise their affirmative duty to refer for investigation reported harassing behavior, or observed harassing behavior, even in the absence of a complaint.
- (5) Take every complaint seriously. Review, look into, and document all complaints or concerns of alleged or possible harassment or discrimination no matter how minor or who is involved.
- (6) Take necessary steps to ensure the confidentiality of the complainant, witnesses and respondent to the extent possible during an investigation.
- (7) Take necessary steps to prevent continuing harassment during and after any investigation or complaint.
- (8) Take the necessary steps to protect all parties from retaliatory actions stemming from their participation in the complaint process.

Note: Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including failure to immediately report such misconduct to their Personnel Officers or DER, are in violation of this Policy and subject to discipline, including discharge or demotion to a position with no supervisory authority.

Personnel Officers and departmental representatives performing HR functions

- (1) Ensure employees understand their roles and responsibilities in compliance with this Policy.
- (2) Attend mandatory technical training on how to investigate complaints of harassment as required by the DER.
- (3) Ensure that allegations are promptly and thoroughly investigated.
- (4) Take every complaint seriously. Review, look into, and document all complaints or concerns of alleged or possible harassment or discrimination no matter how minor or who is involved.
- (5) Take necessary steps to ensure the confidentiality of the complainant, witnesses and respondent to the extent possible during an investigation.
- (6) Take necessary steps to prevent continuing harassment during and after any investigation or complaint.
- (7) Take the necessary steps to protect all parties from retaliatory actions stemming from their participation in the complaint process.
- (8) Provide complainant of alleged harassment with information on available supportive City services/resources. This may include a suggested referral to EAP, information on City's workplace clinic, traveling clinic, and UHC's registered nurse liaison.
- (9) Notify the DER when an investigation of allegations of harassment is going to be conducted and notify the DER of the preliminary findings of the investigation before its conclusion.

Department Heads

- (1) Proactively create a culture of civility and respect and make every effort to increase the diversity and inclusion at all levels of the workforce.
- (2) Ensure that an appropriate notice of the Anti-Harassment Policy is posted in a conspicuous place where employees work and congregate.
- (3) Ensure that departmental managers and supervisors understand and comply with their responsibilities in preventing sexual harassment and any other form of harassment.
- (4) Ensure that job descriptions and performance evaluation forms for management and supervisory personnel clearly and thoroughly document responsibilities and expectations established by this Policy.
- (5) Ensure that managers and supervisors are properly trained to promptly refer allegations of harassment for investigation and that they take the necessary steps to prevent continuing harassment or retaliation during and after any investigation and complaint.
- (6) Ensure that at least one official outside of the employee's chain of command is authorized and available to receive claims of harassment.
- (7) Ensure that risk factors that contribute to the prevalence of harassment in their workplaces are identified and take corrective action before offensive behavior reaches a legally-actionable level.
- (8) Enforce workplace rules, regardless of level or position of the respondent in the department.
- (9) Collaborate with representatives from the DER when investigating allegations of harassment and implementing corrective action when findings of an investigation call for it.

DER

- (1) Issue and oversee the enforcement of the City's Anti-Harassment Policy.
- (2) Investigate allegations of harassment; prepare reports summarizing the results of investigations, and issue recommendations to appointing authorities.
- (3) Ensure appropriate training resources are available for employees, managers and supervisors, and Personnel Officers.
- (4) Ensure the Anti-Harassment Policy is shared with new general city employees at time of New Employee Orientation.
- (5) Ensure that departmental work rules and policies address potentially harassing behavior and conduct.

Complaint Procedure

Employees who believe they are being harassed are encouraged to clearly and promptly notify the offender that the behavior is unwelcome and ask offender to stop the unwelcome behavior. If for any reason, an employee does not wish to approach the offender directly or if such discussions do not successfully end the harassment, the employee should inform his or her supervisor, a department manager, or the DER HR Compliance Officer, by calling 286-6210 or in person at City Hall, Room 706.

These parties will provide assistance to individuals in an attempt to resolve issues of sexual harassment or other types of harassment. In all cases, efforts should be made to resolve and correct sexual harassment or other types of harassment issues prior to the filing of a complaint. Employees should understand that reports of alleged harassment should be made soon after the behavior occurs as it facilitates an expedited investigation and timely resolution. However, it is important to recognize that behavior that represents a violation of this Policy can be reported at any time.

To initiate a formal investigation into an alleged violation of this policy, employees may be asked to provide a written statement about the alleged misconduct or complete a complaint form. Employees may request assistance in completing the statement. The statement should include as much of the following information as possible:

- (1) The name, department and position of the person or persons allegedly causing the harassment.
- (2) A description of the incident(s), including the date(s) and location(s) where the incident(s) occurred.
- (3) The names, titles, and contact information of any witnesses and their contact information (email and/or phone numbers).
- (4) The effect of the incident(s) on the complainant's ability to perform his or her job, or other terms or conditions of employment.
- (5) The names of other individuals who might have been subject to the same or similar harassment.
- (6) The steps, if any, the complainant has taken to try to stop the harassment, including the names and contact information of the individuals made aware of the allegation(s) and their respective response(s).
- (7) Any other information the complainant believes to be relevant.

Investigation and Findings

Complaints will be investigated in a timely and confidential manner. In no event will information concerning a complaint be released to or discussed with anyone who is not involved with the investigation while the investigation is pending.

Investigations shall only be conducted by the DER or by departmental human resources professionals or other managers who function in the capacity of HR professionals who have been formally trained in conducting investigations into harassment complaints. The investigation will be prompt, objective, and thorough. The investigation will include the following:

- (1) Notification to the department head and the DER that a complaint has been received and will be investigated.
- (2) Implementation of action steps to protect the complainant from retaliatory behavior or conduct and to protect the integrity of the investigation.
- (3) Interviews with all relevant parties involved in the complaint including witnesses.
- (4) A report summarizing the investigation process, evidence reviewed, findings, and recommendations.
- (5) Notification to relevant parties of findings and recommendations, as appropriate.

If an investigation reveals that a harassment complaint is valid, supervisors and the department head will take immediate action to stop the harassment and to prevent its recurrence. The DER will recommend the appropriate corrective action, including but not limited to disciplinary action.

The level of discipline to be considered will depend on: a) the severity, frequency, and pervasiveness of the conduct; b) prior instances when a respondent has been found to have harassed; c) other mitigating circumstances; and d) the preponderance of the evidence. Recommended action may include a verbal or written warning, suspension, demotion, or discharge.

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the appropriate preventive action may be recommended by the investigator. If an investigation results in a finding that the reporting individual falsely and maliciously accused another individual of sexual harassment, the reporting individual will be subject to disciplinary action.

Retaliation

Retaliation or attempted retaliation in response to lodging a complaint or involvement in the complaint process is a violation of this Policy. Retaliation includes the imposition of any hardship, loss, benefit or penalty on an employee in response to filing or responding to a bona fide complaint of discrimination or harassment or appearing as a witness in the investigation of a complaint. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the discrimination or harassment, such as a friend or family member.

Confidentiality Considerations

During the complaint process, the confidentiality of the information received and the privacy of the individuals involved will be protected to as great a degree as is possible. The wishes of the complainant for confidentiality will be considered in the context of the City's legal obligation to act on the charge and the right of the respondent to obtain information.

The investigation will protect the privacy of individuals who file complaints or reports, individuals who provide information during the investigation and the person(s) alleged to have engaged in harassment, to the extent legally possible. However, some of the records obtained or created during the investigation may be subject to disclosure under applicable Wisconsin Public Records statutes.

Records Retention

Investigative records are retained separately from the personnel files and should be destroyed under supervision in accordance with the applicable retention schedule, provided that no legal action is pending.

Fessahaye, Makda

From: [REDACTED]
Sent: Tuesday, October 6, 2020 3:36 PM
To: Holiday, Katherine
Subject: Fwd: City Attorney

1 of 3 emails.

[REDACTED]
Assistant City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202-3551
Phone: [REDACTED]
Fax: 414-286-8550
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: City Attorney
Date: September 22, 2020 at 1:09:04 PM CDT
To: "Monteagudo, Maria" <MMONTE@milwaukee.gov>
Cc: "Pifer, Jason" <JPifer@milwaukee.gov>

Good afternoon, Maria,

I understand you may wish to know of incidents involving the City Attorney. To that end, I write to share with you one recent incident during which I believe Mr. Spencer acted inappropriately.

[REDACTED], I took part in a conference call scheduled to begin at 4:00p. On the call were Tearman Spencer, [REDACTED], [REDACTED]. All parties besides [REDACTED] joined the call a few minutes before 4:00p; [REDACTED] joined a couple of minutes after 4:00p. Prior to [REDACTED] joining, [REDACTED] commented that he thought we were just waiting on [REDACTED]. Spencer responded saying that "women like to be fashionably late." Spencer's attempt at humor fell flat and none of the rest of us on the call responded. Spencer immediately made another comment suggesting that "women need to be reminded sometimes." This comment also fell flat. [REDACTED] soon after joined and the call continued without any other similar comments being made.

Of course, I found Spencer's comments to be incredibly inappropriate—and it would appear the others on the call at the time would agree with me. I believe you are aware of at least one other incident involving only Spencer and I in which I considered his conduct to be inappropriate. I believe you may also be aware—as I am—of other similar incidents involving other members of my office having occurred since Spencer was installed as the City Attorney. Perhaps needless to say, I am concerned as an attorney for the City that Spencer's behavior appears to be establishing

a troubling pattern conduct that may result in legal liability and financial exposure for the City and its taxpayers.

Please let me know if you wish to discuss this further or if you should have any additional questions or concerns.

Thank you,

■

■

Assistant City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202-3551
Phone: ■
Fax: 414-286-8550
■

Fessahaye, Makda

From: [REDACTED]
Sent: Tuesday, October 6, 2020 3:37 PM
To: Holiday, Katherine
Subject: Fwd: Phone conversation with Mr. Spencer

[REDACTED]
[REDACTED]
Assistant City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202-3551
Phone: [REDACTED]
Fax: 414-286-8550
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: Phone conversation with Mr. Spencer
Date: September 1, 2020 at 10:35:17 PM CDT
To: Miriam Horwitz <mhorwi@milwaukee.gov>, Mary Schanning
<mschan@milwaukee.gov>

Good evening,

This email serves to memorialize my phone conversation with Mr. Spencer this morning during which he readdressed our conversation yesterday.

At [REDACTED], Mr. Spencer called my cell from [REDACTED]; our call lasted 38 minutes.

He began our conversation today by noting that he'd been thinking last night about our meeting yesterday and then asked how it was I came up with my suggestion [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Next, Mr. Spencer complained that “everything in this office is an emergency—everything is urgent.” He expressed concern that better planning and foresight on our part (collectively) could solve many of these issues before they become urgent. I recognize he was not chiding me for a lack of planning or foresight regarding the ██████ matter, nor do I believe he was complaining about ██████ or ██████ in this regard; it seemed he was venting generalized frustrations. However, he then admonished me for “raising a flag” and suggesting ██████

It seemed to me that he believes the City's citizens/his constituents (he noted that he was elected by the people to do the job) are his primary concern and not the corporate entity that is the Mayor and Common Council. He mentioned several times that "it is not a problem for [Mr. Spencer] to call the Mayor" and for the Mayor to call him—that the Mayor gets a regular briefing.

2

Though Mr. Spencer jumped around in our conversation and often returned to topics already discussed, he made a number of other notable comments:

—Mr. Spencer stated he is aware of “people trying to undermine [him] in the City,” which is why he is so concerned that [REDACTED] and I may have had the conversation I described above.

—He stated that he believes “the office can run smoothly going forward,” and while some people in the office disagree, those people should move on. He went on to say that if people “did not have the best interest of the City in mind “with respect to this office (I understood this to be the City Attorney’s Office),” they should leave. I found this comment to be quite remarkable and understood it to mean that he expects members of our office to consider our duty to him on the same level as our duty to our client, the City.

—[REDACTED] He explained that he “tarnished [his] relationship with Griselda taking sides with Miriam and Ellenly.” He noted that Griselda often hears something the way she wants to hear it, doesn’t research it or look into any further, then runs with it causing problems.

—Mr. Spencer indicated that the [REDACTED] issue is “like a 2 or a 3 and not an 8 or a 9 like other issues” on his desk. He said I wouldn’t believe some of the things that come across his desk.

—Circling back to an earlier part of our conversation where he lamented everything coming to him being an emergency, he asked if I was a sci-fi fan. I responded that I used to be, but not as much anymore. He asked if I’ve ever seen “Men in Black”; I said I had. He then referenced a scene from the movie where one of the characters comments that there is always someone or something that’s going to blow up the universe, and that this is how he views all the “emergencies” coming across his desk.

—He noted that no ACA deserves to be treated the way Ellenly was treated by the FPC and that he remove her from this assignment to “save her from the abuse of the commission.”

—Throughout our conversation, he repeatedly scolded me for “taking things out of context” and for “being so defensive.” I expressed several times my frustration and disappointment with the tenor of our conversation this morning and contrasted it against what I described just as many times as being a good/nice/productive conversation yesterday during our meeting. Several times, Mr. Spencer offered what I viewed as a shallow apology, stating he was “sorry [I] feel that way.”

—[REDACTED]
[REDACTED]”

In summary, I can say that I have never before endured such an uncomfortable and disappointing conversation with a supervisor in my professional life. I felt attacked from the moment I answered Mr. Spencer’s call this morning. My wife even overheard and following the call, noted that I was raising my voice. I shared with her the general nature of the conversation and explained that I only raised my voice to mirror what was happening on the other side of the call. She mentioned to me that she could very clearly hear in my voice my frustration and that she knew how upset I had been during the call. In hindsight, I wish I would have done more to try to lower the temperature of our conversation.

Beyond my personal feelings here, I was left after the call wondering if Mr. Spencer may not be well given that we had shared a relatively pleasant and productive conversation just yesterday, then mere hours later I was on the receiving end of what I would describe as a complete 180* pivot in his demeanor, his tone, his messaging; it was almost like he wasn't the same person with whom I had met just yesterday.

I don't believe I deserved to be treated as I was this morning; this conversation is one I won't soon forget, unfortunately.

■

■

Assistant City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202-3551
Phone: ■
Fax: 414-286-8550
■

Fessahaye, Makda

From: [REDACTED]
Sent: Tuesday, October 6, 2020 3:44 PM
To: Holiday, Katherine
Subject: Fwd: Conversation with Mr. Spencer

Email 3 of 3.

[REDACTED]
Assistant City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202-3551
Phone: [REDACTED]
Fax: 414-286-8550
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: Conversation with Mr. Spencer
Date: August 31, 2020 at 10:56:15 PM CDT
To: Miriam Horwitz <mhorwi@milwaukee.gov>, Mary Schanning
<mschan@milwaukee.gov>

Good evening,

This email serves to memorialize my conversation [REDACTED] with Mr. Spencer regarding the FPC, Griselda Aldrete, and the [REDACTED] matter, in particular.

Having not received from Mr. Spencer any response to the emails I sent this weekend, then again today, I went into the office in hopes of meeting with him. I arrived at the office a little after 1:00 p.m., and was able to meet with Mr. Spencer immediately. I advised Mr. Spencer of much of the same information I included in my several emails this weekend, and during our conversation, it was evident he had not read any of my messages—he even said as much, admitting that he receives many emails.

Regarding Griselda Aldrete, he mentioned that she is like a lone wolf, and she needs to be subdued so as to prevent her from making decisions and taking actions that create additional difficulty and liability for the City.

As we discussed the [REDACTED] matter, I expressed my same concerns as were included in my analysis sent to you and to him this weekend. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

We broke our meeting while Mr. Spencer took another meeting around 2:00p. He found me around 30 minutes later and we reconvened.

[REDACTED]

Worth noting also is that never as we met in his office did Mr. Spencer wear a mask. I did keep mine on while we met and kept my distance, but did not request Mr. Spencer wear his mask (though I know I should have done so). I did see Mr. Spencer wearing a mask as he walked the hall, but he did not while in his office.

[REDACTED]
Assistant City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202-3551
Phone: [REDACTED]
Fax: 414-286-8550
[REDACTED]

September 4, 2020

Ms. Monteagudo,

*this letter
is from
Jason Pifer
the HR person
from the CR office
who has all the
received all the
complaints*

This serves to document complaints that I have received regarding the conduct of City Attorney Tearman Spencer.

- On April 28, 2020 Mr. Spencer conducted an introductory meeting with the Assistant City Attorneys (ACA) in the Litigation Division and the Employment/Labor/Benefits/Contracting Division. During the meeting Mr. Spencer repeatedly asked the male attorneys how tall they are. He did not pose this question to the female attorneys when they were introduced. When ACA [REDACTED] was introduced she stated her height. Additional female ACA's proceeded to provide their heights when introduced. When ACA [REDACTED] was introduced she also stated her height, at which point Mr. Spencer stated that the question "was only for the men", to which [REDACTED] responded "well we're all equal here."
- On April 28, 2020 Mr. Spencer conducted an introductory meeting with the Assistant City Attorneys (ACA) in the Litigation Division and the Employment/Labor/Benefits/Contracting Division. When introduced to ACA [REDACTED], Mr. Spencer referred to her as "sweetheart." Following the meeting, [REDACTED] and many other attorneys who were in attendance expressed alarm and concern about the use of this term by someone in a supervisory role to refer to a female employee.
- On July [REDACTED], 2020 Mr. Spencer had a meeting in his office with ACA [REDACTED] [REDACTED] [REDACTED]. During their meeting Mr. Spencer placed his hand on [REDACTED] knee. [REDACTED] notified Personnel Officer Jason Pifer of this occurrence and stated that [REDACTED] viewed Mr. Spencer's actions as very inappropriate and that it made [REDACTED] extremely uncomfortable.
- On July [REDACTED], 2020 Mr. Spencer and Deputy City Attorney Miriam Horwitz had a meeting with ACA [REDACTED] to discuss her assignment [REDACTED]. During this conversation Mr. Spencer stated that he envisioned a certain type of person to staff [REDACTED]. He stated that this person should be big, tough, someone like ACA [REDACTED]. He told [REDACTED] that she was "too smiley" and quiet. He asked Ms. Horwitz if it was ok for him to say that, to which she responded that it was. [REDACTED] informed me of this conversation and her concerns that Mr. Spencer's statements

amounted to gender discrimination, as she perceived that his qualifying traits were isolated to male physical attributes.

- On September █ 2020 Mr. Spencer had a meeting in his office with Special Deputy City Attorney Kimberly Walker, Deputy City Attorney Miriam Horwitz, ACA █, and ACA █ to discuss █. Everyone attended in person with the exception of Ms. Horwitz, who attended virtually. When the meeting was scheduled to begin Ms. Walker had yet to arrive. █ left to get Ms. Walker. When Ms. Walker arrived █ had yet to return. In the presence of Ms. Walker and Ms. Horwitz, Mr. Spencer told █ that she has "very nice calves" and asked whether she worked out and was it the result of exercise. █ responded in the affirmative. As the conversation continued, Mr. Spencer made reference to █ calves at least two but possibly three more times. At one point Ms. Horwitz also acknowledged █ calves and stated that it could be the result of her time in the military. When █ arrived she asked about what they were discussing and if they were discussing exercise. At no point during this discussion did Ms. Walker or Ms. Horwitz address the inappropriate nature of the conversation.

█ informed me of this occurrence and that she believed Mr. Spencer repeated references to her legs was inappropriate and made her extremely uncomfortable. She also stated that she does not feel comfortable addressing this directly with Mr. Spencer since he is the head of the department and she is afraid of him and his ability to retaliate against her.

Jason Pifer
Personnel Officer
City Attorney's Office