

GENERAL ORDINANCE NO. 27-12

AN ORDINANCE  
AMENDING SECTION 1.80,  
GREEN BAY MUNICIPAL CODE,  
RELATING CITY EMPLOYEE RESIDENCY

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 1.80, Green Bay Municipal Code, is amended as follows:

1.80 **CITY EMPLOYEE RESIDENCY REQUIREMENT.** (Amd. GO 47-01)

~~(1) DECLARATION OF POLICY. It is recognized that a policy requiring the majority of its employees to live in the corporate limits of the City is likely to enhance an employee's community pride, promote efficiency of operation, provide jobs for City residents, increase the efficiency of recall of employees in emergency situations, and promote an understanding of local customs and habits through the development of a community identity. Accordingly, the Common Council adopts the following residency policy.~~

~~(a) (1) GENERAL POLICY. Unless specifically provided otherwise, all employees of the City are required to establish and maintain their actual bona fide residence within the boundaries of the City within 12 months of the date of their employment. Employees will not be required to reside within the corporate limits of the City of Green Bay except for the following:~~

~~(a) Department heads are required to establish and maintain their actual bona fide residence within the boundaries of the City within 12 months of the date of their regular employment or appointment to a department head position.~~

~~(b) Appropriate response time requirements may be established by each department head in consultation with the Human Resources Director.~~

~~(b) Administrative Employees. All administrative employees, except department heads and those positions specifically requiring residency or emergency availability response as determined by the City, will be permitted to reside outside of the City limits unless the percentage of administrative employees living outside of the City limits exceeds 20% of the total number of such employees. At that time, the Common Council will review the situation and determine a course of action that may include imposing a residency requirement on all new administrative hires.~~

~~(c) Bargaining Units. Collective bargaining and meet and confer groups may negotiate in their agreements a residency exception that is no less restrictive than that applicable to administrative employees provided adequate provision is made concerning emergency services and the specific needs of each department.~~

(2) RESIDENCY DEFINED. The term "residence", as used in this section, shall be construed to mean the actual living quarters which must be maintained within the City by an employee. Neither voting in the City nor payment of taxes of any kind by employee, by itself, shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employee solely for the purpose of establishing residency when it appears that ~~his/her~~ **the employee's** residence is outside the City. Ownership of real property within the City when not coupled with the maintenance of actual living quarters in the City, as herein required, shall be deemed insufficient to meet the requirements of this section.

~~———— (3) NOTIFICATION. All City employees shall report the address of their current residence and telephone number to their department head. Any subsequent changes must be reported to the department head within 10 days of the date the change occurred. The department head will notify the Personnel Department which will maintain a current roster of employees and their addresses and telephone numbers. An employee shall not change his/her residency to a location outside the boundaries of the City until approval has been given by the Personnel Committee and the Common Council. Failure to properly notify the City, and receive approval, prior to changing residency to a location outside the boundaries of the City will automatically place the employee in violation of this ordinance.~~

~~———— (4) REVIEW OF VIOLATIONS. The Personnel Committee is hereby authorized to investigate complaints made to the City with respect to the residency of employees of the City and may initiate any such investigation on its own motion. Department heads are expected to enforce the residency requirement in their own departments. Upon notification or discovery of an employee who is not a City resident, a department head will investigate the circumstances and take appropriate action which may include discharge. Upon appeal, the Personnel Committee shall make a finding with respect to whether or not such an employee is or is not actually a resident of the City in accordance with the requirements set forth herein. No consideration shall be given by the Personnel Committee to the fact that such employee intends to maintain residency in the City if actually the employee does not maintain such a residence as herein provided for. Whenever the facts disclose the existence of dual residencies, the decision of the Personnel Committee shall be final.~~

~~(5) (3) VIOLATIONS. After a public hearing to determine the status of an employee's current residency, upon the finding of a violation of this section, the Personnel Committee shall make a recommendation of suspension or termination of the employee to the Council, whose decision shall be final.~~

~~———— (6) EXTENSIONS. No extensions will be granted to newly hired employees to establish their actual bona fide residence within the boundaries of the City beyond the time limit as indicated in sub. (1) above.~~

~~(7) (4) EXCEPTIONS. If unusual circumstances or cases of hardship arise, **the Personnel Committee will review the matter and make a recommendation to the Council, whose decision shall be final.** considering the standards hereafter enumerated, which appear to the Personnel Committee to merit exemption from the City residency requirement, the~~

~~Committee shall make a finding based upon the standards enumerated below and recommend appropriate action to the Council. Such recommendation shall include the name and title of the employee as well as the reason or reasons for the exception. The requesting employee shall not change his/her place of residency to a location outside of the boundaries of the City until approval has been given by the Council.~~

~~—— (8) STANDARDS. The following standards may be considered by the Personnel Committee in deciding to grant or not to grant an exception to the City residency requirement:~~

~~—— (a) Location of the Employee's Normal Worksite. Employees exempted from the City residency requirement on the basis of this standard are expected to maintain their bona fide residence closer to their normal worksite than to the boundaries of the City. Subsequent changes of residence shall conform to the intent of this section.~~

~~—— (b) Unusual Hardship. Employees exempted from the City residency requirement on the basis of this factor may be granted such exemption for a period not to exceed six months. Exemptions granted on the basis of this standard shall terminate earlier than six months if the basis for the unusual hardship no longer exists. Failure to re-establish residency within the time period approved by the Personnel Committee and the Common Council shall automatically place the employee in violation of this ordinance.~~

~~—— (c) Interjurisdictional Provision of Services. Exemptions on the basis of this standard shall terminate at the time the service is no longer provided on an interjurisdictional basis.~~

~~—— (d) Pre Existing Agreements. In some instances, exemptions from the residency requirement have been made before adoption of these residency standards because of unique circumstances. Such exemptions not covered by the three standards enumerated above shall remain in effect with the understanding that if those employees move, they shall move into the City.~~

~~—— All cases of exemption from the City residency requirement shall be reviewed by the Personnel Committee annually. Individual cases may be reviewed more frequently at the discretion of the Committee. In addition, the Personnel Director shall periodically review the status of the residency of the City employees to assist in the determination of violations of this section.~~

~~—— (9) POLICE AND FIRE DEPARTMENTS. The provisions of this section shall be fully applicable to members of the Police Force and Fire Department.~~

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 2nd day of October, 2012.

APPROVED:

James J. Schmitt  
Mayor

ATTEST:

Kris A. Teske  
Clerk

First Reading - 8/21/12  
Effective Date - 10/6/12