

COMMISSION FILE NO: 16-139-10 **DATE INTRODUCED:** October 10, 2016

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Rescission of District Residency Policy, Commission Policy 1-77.30

SUMMARY:

In 2013, the Wisconsin Legislature passed a new law, Wis. Stat. § 66.0502. The new law eliminated residency requirements for local governmental units. This law was challenged by the City of Milwaukee. The Wisconsin Supreme Court, on June 23, 2016, upheld the law eliminating residency requirements. *Black and Milwaukee Police Association, et al. v. City of Milwaukee*, 2016 WI 47, 369 Wis. 2d 272, 882 N.W.2d 333.

The Commission is being asked to repeal the District's residency requirement, Commission Policy 1-77.30, in keeping with other local governmental units, including the City of Milwaukee.

ATTACHMENTS: **BACKGROUND** ☒ **KEY ISSUES** ☐ **RESOLUTION** ☒
FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☐

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

BACKGROUND

Rescission of District Residency Policy, Commission Policy 1-77.30

In 2013, the Wisconsin legislature passed a new law, Wis. Stat. § 66.0502. The new law eliminated residency requirements for local governmental units.

The statute reads as follows:

66.0502 Employee residency requirements prohibited.

- (1) The legislature finds that public employee residency requirements are a matter of statewide concern.
- (2) In this section, "local governmental unit" means any city, village, town, county, or school district.
- (3)
 - (a) Except as provided in sub. (4), no local governmental unit may require, as a condition of employment, that any employee or prospective employee reside within any jurisdictional limit.
 - (b) If a local governmental unit has a residency requirement that is in effect on July 2, 2013, the residency requirement does not apply and may not be enforced.

This law was challenged by the City of Milwaukee. The Wisconsin Supreme Court, on June 23, 2016, upheld the law eliminating residency requirements, declaring that, "To summarize...we hold that Wis. Stat. § 66.0502 precludes the City from enforcing its residency requirement...Because Wis. Stat. § 66.0502 uniformly affects every city or village, it trumps section 5-02 of the City's charter. Milwaukee may no longer enforce its residency requirement."

All local governmental units are now required to eliminate any residency requirements. It should be noted that the District is not technically a "local governmental unit" under the definition provided herein; however, District staff believes that the intent of the statute is to eliminate residency requirements like Commission Policy 1-77.30. The District is considered a local governmental unit under many state statutes; therefore, eliminating the residency requirement will keep the District in step with other units of local government, including the City of Milwaukee.

RESOLUTION

Rescission of District Residency Policy, Commission Policy 1-77.30

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that Commission Policy 1-77.30, Residency Policy, is rescinded.