

925—265; 1921 c. 242 s. 263; Stats. 1921 s. 62.26 (4).

On rules governing rewards, see *Kinn v. First Nat. Bank*, 118 W 537, 95 NW 969.

62.26 (6) History: 1895 c. 320 s. 2; Stats. 1898 s. 925—269; 1903 c. 102 s. 1; Supl. 1906 s. 925—269; 1915 c. 87; 1921 c. 242 s. 265; Stats. 1921 s. 62.26 (6); 1961 c. 614; 1965 c. 617; 1967 c. 276.

62.26 (7) History: 1897 c. 108 s. 1 to 4; Stats. 1898 s. 959—36, 959—37; 1921 c. 242 s. 266; 1921 c. 590 s. 60; Stats. 1921 s. 62.26 (7).

CHAPTER 63.

County and City Civil Service.

63.01 History: 1917 c. 259; Stats. 1917 s. 772—1, 772—2; 1919 c. 121; 1919 c. 365 s. 6, 7; 1919 c. 671 s. 16; Stats. 1919 s. 16.31; 1939 c. 301; 1947 c. 499; 1955 c. 40; 1959 c. 228 s. 45, 72; 1959 c. 397; Stats. 1959 s. 63.01.

63.02 History: 1917 c. 259; Stats. 1917 s. 772—3; 1919 c. 365 s. 8; Stats. 1919 s. 16.32; 1945 c. 234; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.02.

Under 63.02 (1) the commission may adopt a rule requiring civil service employees to take a 60-day leave of absence before the election if they are candidates. The waiver of the rule in the case of another employee does not prove discrimination. *State ex rel. Parks v. Gross*, 267 W 595, 66 NW (2d) 331.

63.03 History: 1917 c. 259; Stats. 1917 s. 772—4; 1919 c. 365 s. 9; Stats. 1919 s. 16.33; 1927 c. 22 s. 2; 1929 c. 253, 284; 1937 c. 293; 1943 c. 125; 1947 c. 192; 1949 c. 25, 393; 1953 c. 316; 1959 c. 228 s. 45, 72; 1959 c. 327; 1959 c. 660 s. 5; Stats. 1959 s. 63.03; 1961 c. 495; 1963 c. 66, 510, 565; 1965 c. 69, 74; 1967 c. 172; 1969 c. 372.

See note to 16.105, citing *State ex rel. Thein v. Milwaukee*, 229 W 12, 281 NW 653, and *Unger v. Gregory*, 249 W 161, 23 NW (2d) 480.

63.04 History: 1917 c. 259; Stats. 1917 s. 772—5; 1919 c. 365 s. 10; Stats. 1919 s. 16.34; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.04.

63.05 History: 1917 c. 259; Stats. 1917 s. 772—6; 1919 c. 365 s. 11; Stats. 1919 s. 16.35; 1929 c. 72; 1931 c. 79 s. 2; 1939 c. 241; 1959 c. 228 s. 45; Stats. 1959 s. 63.05; 1967 c. 175; 1969 c. 276 s. 611.

63.05 (2), Stats. 1965, provides for a preference to honorably discharged veterans in certification of eligibles, but is inapplicable in a county which has not adopted the civil service system. 54 Atty. Gen. 221.

63.06 History: 1941 c. 102; Stats. 1941 s. 16.351; 1955 c. 652 s. 3m; 1959 c. 228 s. 45; Stats. 1959 s. 63.06; 1961 c. 660.

63.065 History: 1963 c. 116; Stats. 1963 s. 63.065.

63.07 History: 1941 c. 232; Stats. 1941 s. 16.352; 1957 c. 610; 1959 c. 228 s. 45; Stats. 1959 s. 63.07.

63.08 History: 1917 c. 259; Stats. 1917 s. 772—7; 1919 c. 365 s. 12; Stats. 1919 s. 16.36;

1935 c. 223; 1959 c. 228 s. 45; 1959 c. 508; 1959 c. 660 s. 6; Stats. 1959 s. 63.08; 1969 c. 366 s. 117 (2) (e).

63.09 History: 1917 c. 259; Stats. 1917 s. 772—8; 1919 c. 365 s. 13; Stats. 1919 s. 16.37; 1943 c. 457; 1947 c. 483; 1959 c. 228 s. 45; Stats. 1959 s. 63.09.

63.10 History: 1917 c. 259; Stats. 1917 s. 772—9; 1919 c. 365 s. 14; Stats. 1919 s. 16.38; 1947 c. 192; 1959 c. 228 s. 45; Stats. 1959 s. 63.10; 1963 c. 425.

A city civil service commission's order suspending an employe provided for reconsideration upon expiration of the suspension unless the appointing officer recommended reinstatement. Such provision was void since it attempted to delegate the commission's power of dismissal and commission's dismissal upon such reconsideration was a nullity. *State ex rel. Sullivan v. Benson*, 211 W 47, 247 NW 450.

A hearing is required on all suspensions, demotions and dismissals, and a rule not providing for a hearing or a long-standing interpretation of the statute to that effect is invalid. *State ex rel. Irany v. Milw. County C.S. Comm.* 18 W (2d) 132, 118 NW (2d) 137.

A hearing is not necessary if an employe is separated from service during the probationary period. *State ex rel. Dela Hunt v. Ward*, 26 W (2d) 345, 132 NW (2d) 523.

63.11 History: 1917 c. 259; Stats. 1917 s. 772—10; 1919 c. 365 s. 15; Stats. 1919 s. 16.39; 1955 c. 106; 1959 c. 228 s. 45; Stats. 1959 s. 63.11.

63.12 History: 1917 c. 259; Stats. 1917 s. 772—11; 1919 c. 365 s. 16; Stats. 1919 s. 16.40; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.12.

63.13 History: 1917 c. 259; Stats. 1917 s. 772—12; 1919 c. 365 s. 17; Stats. 1919 s. 16.41; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.13.

63.14 History: 1917 c. 259; Stats. 1917 s. 772—13; 1919 c. 365 s. 18; Stats. 1919 s. 16.42; 1935 c. 218; 1945 c. 76; 1955 c. 106; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.14.

63.15 History: 1917 c. 259; Stats. 1917 s. 772—15; 1919 c. 365 s. 20; Stats. 1919 s. 16.43; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.15.

63.16 History: 1917 c. 259; Stats. 1917 s. 772—16; 1919 c. 121; 1919 c. 365 s. 21; 1919 c. 671 s. 17; Stats. 1919 s. 16.44; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.16.

63.17 History: 1917 c. 259; Stats. 1917 s. 772—14; 1919 c. 365 s. 19; Stats. 1919 s. 4548r; 1925 c. 4; Stats. 1925 s. 348.272; 1955 c. 696 s. 244; Stats. 1955 s. 16.441; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.17.

63.18 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.45; 1959 c. 228 s. 45; Stats. 1959 s. 63.18.

63.19 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.46; 1959 c. 228 s. 45; Stats. 1959 s. 63.19.

Where employes of an independent contractor performed services under contract between such contractor and the city and such employes were (1) required to abide by general rules and regulations of the city pertaining to such services, (2) given mental and physical tests by the city before being eligible

to employment by such contractor, and (3) paid directly by the city under a waiver which the contractor was required to execute, such employes did not become employes of the city and this section, 16.50 and 16.51 did not require the city service commission to classify a position for such employes in the city service. State ex rel. Sottile v. Mensing, 238 W 189, 298 NW 620.

63.20 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.47; 1959 c. 228 s. 45; Stats. 1959 s. 63.20.

63.21 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.48; 1959 c. 228 s. 45; Stats. 1959 s. 63.21.

63.22 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.49; 1959 c. 228 s. 45; Stats. 1959 s. 63.22.

63.23 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.50; 1945 c. 175; 1959 c. 228 s. 45; Stats. 1959 s. 63.23.

Where the city civil service commission created a new position and classified it, and the decision affected seniority rights, an objection made for the first time 12 years after that decision was too late. State ex rel. Thein v. Milwaukee, 229 W 12, 281 NW 653.

See note to 16.105, citing State ex rel. Thein v. Milwaukee, 229 W 12, 281 NW 653, and Unger v. Gregory, 249 W 161, 23 NW (2d) 480.

63.24 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.51; 1949 c. 204; 1959 c. 228 s. 45; Stats. 1959 s. 63.24.

Authorization to make rules does not allow a commission to consolidate under one title 2 positions established by ordinance. Jazwinski v. Milwaukee, 253 W 17, 33 NW (2d) 224.

63.25 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.52; 1949 c. 203; 1959 c. 228 s. 45; Stats. 1959 s. 63.25.

63.26 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.53; 1959 c. 228 s. 45; Stats. 1959 s. 63.26.

63.27 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.54; 1943 c. 524; 1945 c. 135; 1959 c. 228 s. 45; Stats. 1959 s. 63.27; 1961 c. 122; 1969 c. 45.

63.28 History: 1951 c. 498; Stats. 1951 s. 16.541; 1959 c. 228 s. 45; Stats. 1959 s. 63.28.

63.29 History: 1955 c. 576; Stats. 1955 s. 16.542; 1959 c. 228 s. 45; Stats. 1959 s. 63.29.

63.30 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.55; 1955 c. 105; 1959 c. 228 s. 45; Stats. 1959 s. 63.30.

63.31 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.56; 1959 c. 228 s. 45; Stats. 1959 s. 63.31; 1963 c. 403.

63.32 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.57; 1935 c. 223; 1959 c. 228 s. 45; 1959 c. 508; 1959 c. 660 s. 7; Stats. 1959 s. 63.32; 1969 c. 366 s. 117 (2) (e).

63.33 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.58; 1959 c. 228 s. 45; 1959 c. 508; 1959 c. 660 s. 7; Stats. 1959 s. 63.33.

63.34 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.59; 1959 c. 228 s. 45; Stats. 1959 s. 63.34; 1965 c. 252.

63.35 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.60; 1959 c. 228 s. 45; Stats. 1959 s. 63.35.

63.36 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.61; 1947 c. 252; 1959 c. 228 s. 45; Stats. 1959 s. 63.36.

63.37 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.62; 1929 c. 72; 1939 c. 244; 1959 c. 228 s. 45; Stats. 1959 s. 63.37.

63.38 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.63; 1959 c. 228 s. 45; Stats. 1959 s. 63.38; 1963 c. 452.

63.39 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.64; 1959 c. 228 s. 45; Stats. 1959 s. 63.39.

63.40 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.65; 1959 c. 228 s. 45; Stats. 1959 s. 63.40.

63.41 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.66; 1959 c. 228 s. 45; Stats. 1959 s. 63.41.

63.42 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.67; 1959 c. 228 s. 45; Stats. 1959 s. 63.42.

63.43 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.68; 1959 c. 228 s. 45; Stats. 1959 s. 63.43.

The action of the board of city service commissioners in sustaining, by motion, charges against a sanitary inspector, recording the action of the board by the secretary and giving due and timely notice to the inspector of confirmation of his discharge, constituted compliance with 16.68, Stats. 1937. State ex rel. Nolan v. Mensing, 228 W 34, 279 NW 659.

16.68, Stats. 1945, is not concerned with seniority. The seniority status arises out of the rules of the city service commission defining its purpose and prescribing its calculation, and rules adversely affecting an employe's status based on his original employment would not amount to a "demotion" within the meaning of the statute. State ex rel. Salvesen v. Milwaukee, 249 W 351, 24 NW (2d) 630.

Due process and quasi-judicial tribunals. McMahan, 29 MLR 95.

63.44 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.69; 1959 c. 228 s. 45; Stats. 1959 s. 63.44.

63.45 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.70; 1959 c. 228 s. 45; Stats. 1959 s. 63.45.

63.49 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.74; 1959 c. 228 s. 45; Stats. 1959 s. 63.49.

63.50 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.75; 1959 c. 228 s. 45; Stats. 1959 s. 63.50.

63.51 History: 1919 c. 572 s. 2; Stats. 1919 s. 16.76; 1959 c. 228 s. 45; Stats. 1959 s. 63.51.

63.52 History: 1895 c. 313 s. 19, 20, 21; 1919 c. 365 s. 39; Stats. 1919 s. 4548s; 1925 c. 4; Stats. 1925 s. 348,273; 1955 c. 696 s. 245; Stats. 1955 s. 16.761; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.52.

63.53 History: 1937 c. 107; Stats. 1937 s. 16.765; 1939 c. 476; 1941 c. 148; 1959 c. 228 s. 45, 72; Stats. 1959 s. 63.53; 1961 c. 122; 1969 c. 45.

The relationship existing between the school board of Milwaukee and the janitors is that of master and servant and the status of helpers hired by the janitors but supervised by the board is not that of employes of independent contractors but is that of employes of the board. State ex rel. Cooper v. Baumann, 231 W 607, 286 NW 76.

63.60 History: 1937 c. 155; s. 59.100; Stats. 1967 s. 63.60.

Home-rule powers granted to Milwaukee county by ch. 405, Laws 1965, are insufficient to permit the county board to merge the pension systems for county employes created by chs. 155 and 201, Laws 1937. 57 Atty. Gen. 239.

63.61 History: 1937 c. 155; s. 59.101; 1959 c. 216; 1961 c. 309; Stats. 1967 s. 63.61.

63.62 History: 1937 c. 155; s. 59.102; Stats. 1967 s. 63.62.

63.63 History: 1937 c. 155; s. 59.103; Stats. 1967 s. 63.63.

63.64 History: 1937 c. 155; s. 59.104; Stats. 1967 s. 63.64.

63.65 History: 1937 c. 155; s. 59.105; Stats. 1967 s. 63.65.

63.66 History: 1937 c. 155; s. 59.106; Stats. 1967 s. 63.66.

63.67 History: 1937 c. 155; s. 59.107; 1953 c. 451 s. 1; Stats. 1967 s. 63.67.

63.68 History: 1937 c. 155; s. 59.108; Stats. 1967 s. 63.68.

63.69 History: 1937 c. 155; s. 59.109; Stats. 1967 s. 63.69.

63.70 History: 1937 c. 155; s. 59.110; Stats. 1967 s. 63.70.

63.71 History: 1937 c. 155; s. 59.111; Stats. 1967 s. 63.71.

63.72 History: 1937 c. 155; s. 59.112; Stats. 1967 s. 63.72.

63.73 History: 1937 c. 155; s. 59.113; Stats. 1967 s. 63.73.

63.74 History: 1937 c. 155; s. 59.114; Stats. 1967 s. 63.74.

63.75 History: 1937 c. 155; s. 59.115; Stats. 1967 s. 63.75.

63.76 History: 1937 c. 155; s. 59.116; Stats. 1967 s. 63.76.

63.77 History: 1937 c. 155; s. 59.117; Stats. 1967 s. 63.77.

63.78 History: 1937 c. 155; s. 59.118; Stats. 1967 s. 63.78.

63.79 History: 1937 c. 155; s. 59.119; Stats. 1967 s. 63.79.

63.80 History: 1937 c. 155; s. 59.120; Stats. 1967 s. 63.80.

63.81 History: 1937 c. 155; s. 59.121; Stats. 1967 s. 63.81.

63.82 History: 1937 c. 155; s. 59.122; Stats. 1967 s. 63.82.

63.83 History: 1937 c. 155; s. 59.123; Stats. 1967 s. 63.83.

63.84 History: 1937 c. 155; s. 59.124; 1943 c. 249; 1953 c. 451 s. 2; Stats. 1967 s. 63.84.

63.85 History: 1937 c. 155; s. 59.125; 1953 c. 451 s. 3; Stats. 1967 s. 63.85.

63.86 History: 1937 c. 155; s. 59.126; Stats. 1967 s. 63.86.

63.87 History: 1937 c. 155; s. 59.127; Stats. 1967 s. 63.87.

63.88 History: 1937 c. 155; s. 59.128; Stats. 1967 s. 63.88.

63.89 History: 1937 c. 155; s. 59.129; Stats. 1967 s. 63.89.

63.90 History: 1937 c. 155; s. 59.130; 1955 c. 487; 1963 c. 267 s. 5; Stats. 1967 s. 63.90.

63.91 History: 1937 c. 155; s. 59.131; Stats. 1967 s. 63.91.

63.92 History: 1937 c. 155; s. 59.132; Stats. 1967 s. 63.92.

63.93 History: 1937 c. 155; s. 59.133; Stats. 1967 s. 63.93.

63.94 History: 1937 c. 155; s. 59.134; Stats. 1967 s. 63.94.

63.95 History: 1939 c. 250; s. 59.135; 1953 c. 451 s. 4; Stats. 1967 s. 63.95.

63.96 History: 1947 c. 357 s. 25; s. 59.136; 1953 c. 451 s. 5; Stats. 1967 s. 63.96.

63.97 History: 1965 c. 405; s. 59.137; Stats. 1967 s. 63.97.

63.98 History: 1969 c. 83 s. 1; Stats. 1969 s. 63.98.

CHAPTER 64.

Other Forms of City Government.

64.01 History: 1919 c. 75; 1919 c. 353 s. 1 to 3; Stats. 1919 s. 64.01; 1927 c. 453; 1949 c. 231; 1961 c. 570; 1965 c. 666 s. 22 (28).

On delegation of power see notes to sec. 1, art. IV; on general laws on enumerated subjects see notes to sec. 32, art. IV; and on jurisdiction of circuit courts see notes to sec. 8, art. VII, and notes to 252.03.

The city manager plan abolishes the elaborate system of checks and balances existing in city government, and turns over the legislative powers to the city council, and executive and administrative powers to the manager. *Webb v. Beloit*, 229 W 51, 281 NW 662.

64.02 History: 1919 c. 75; 1919 c. 353 s. 1 to 3; Stats. 1919 s. 64.02.

64.03 History: 1919 c. 75; 1919 c. 353 s. 1 to 3; Stats. 1919 s. 64.03; 1949 c. 308.

64.04 History: 1919 c. 75; 1919 c. 353 s. 1 to 4; Stats. 1919 s. 64.04; 1955 c. 396.

64.05 History: 1919 c. 75; 1919 c. 353 s. 1 to 3; Stats. 1919 s. 64.05; 1957 c. 240.

64.06 History: 1919 c. 75; 1919 c. 353 s. 1 to 3; Stats. 1919 s. 64.06; 1965 c. 666 s. 22 (33).

64.07 History: 1919 c. 75; 1919 c. 353 s. 1 to 3; Stats. 1919 s. 64.07.

64.07 (3), providing that a "majority vote" of all members of the council shall be neces-