

---

# Wisconsin Legislative Council

## ACT MEMO

---



**Prepared by:** David Moore, Senior Staff Attorney

July 30, 2021

**2021 Wisconsin Act 69**  
[2021 Senate Bill 187]

**Village Officers Serving as  
Village Employees**

### BACKGROUND

Under the common law doctrine of incompatibility, a person may not hold a public office and an incompatible position of public employment. Additionally, Wisconsin law prohibits a current member of a town, village, or county board, or city council from holding any office or position the board or council has the authority to fill, except as expressly authorized by statute. One statutory provision expressly allows an elected town officer who also serves as a town employee to be paid an hourly wage for serving as a town employee, if the amount paid does not exceed a total of \$15,000 each year. This authorization is in addition to a provision that allows a volunteer firefighter, emergency medical services practitioner, or emergency medical responder in a city, village, or town to hold elective office if his or her annual compensation as a volunteer firefighter, emergency medical services practitioner, or emergency medical responder does not exceed a certain threshold.

### 2021 WISCONSIN ACT 69

2021 Wisconsin Act 69 creates a statutory provision applicable to village trustees that serve as village employees that parallels the provision described above for town board members that serve as town employees. Under the act, a trustee of a village who also serves as a village employee may be paid an hourly wage for serving as a village employee, as long as the amount paid does not exceed a total of \$15,000 each year. As with the provision related to town board members that serve as town employees, this authority is in addition to the provision that allows a volunteer firefighter, emergency medical services practitioner, or emergency medical responder to hold elective office if his or her income does not exceed a certain threshold.

**Effective date:** July 10, 2021

DM:ty