

SUBCHAPTER 1  
HOLIDAY AND OVERTIME POLICIES

**350-1.** Definitions. In this chapter, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

**1.** HOLIDAY, except as specifically covered by other provisions of the code such as those pertaining to or for employees represented by a collective bargaining unit, means:

- a. New Year's Day - January 1.
- b. Good Friday.
- c. Memorial Day - Last Monday in May.
- d. Independence Day - July 4.
- e. Labor Day - The 1st Monday in September.
- f. Thanksgiving Day - The 4th Thursday in November or the day appointed by the governor of Wisconsin as a day of public thanksgiving in each year.
- g. The day after Thanksgiving Day.
- h. Christmas Day - December 25.
- i.. The last normal work day before Christmas Day.
- j. The last normal work day before New Year's Day.
- k. Dr. Martin Luther King Jr.'s birthday - the 3rd Monday in January.

**2.** OVERTIME means the authorized hours worked in excess of 40 hours in one week.

**3.** TIME AND ONE-HALF means compensation per hour worked, determined by dividing the biweekly rate by 80 and multiplying by 1.5, unless otherwise provided.

**4.** TIME WORKED means the hours worked during scheduled work periods, all holiday hours paid but not worked and all furlough hours not worked.

**350-2. Holidays, General Provisions.**

**1.** WEEKEND HOLIDAY. Whenever Independence Day (July 4) falls on a Saturday, the preceding Friday shall be observed as a holiday. Whenever New Year's Day (January 1) and Christmas Day (December 25) fall on a Saturday, the following Monday shall be observed as a holiday. When New Year's Day,

Independence Day or Christmas Day falls on a Sunday, the following Monday shall be observed as a holiday.

**2.** EMPLOYEES REPRESENTED BY A COLLECTIVE BARGAINING UNIT. For employees represented by collective bargaining units, the holiday schedule shall be as stated in their effective collective bargaining agreements, including any pertinent agreed-upon memoranda.

**3.** STATUTORY COMPLIANCE. Any statutory provisions establishing legal holidays on days other than those set forth under the definition of the term "holiday" in s. 350-1-1 shall not be observed in a manner resulting in a shorter workweek for general city employees. If the state of Wisconsin enacts a statute under which some or all of the holidays enumerated in s. 350-1-1 are established or observed as so-called Monday holidays, the city will move to observation of such law, but the conformance to state law shall not increase or diminish the number of holidays with pay granted annually.

**350-3. Uniform Overtime Policies.** Except as provided in s. 350-6, or unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following overtime policies shall be applied uniformly to positions in the city service.

**1.** CASH OR COMPENSATORY TIME. The determination as to whether overtime shall be taken as cash or compensatory time shall be made by each department head in consultation with the budget and management division. Department heads shall notify employees of whether cash or compensatory time-off is being offered for overtime worked prior to the actual work being performed. If notification is not provided that compensatory time is being offered for overtime worked, cash shall be paid for the overtime worked.

**2.** AS OVERTIME ONLY. When computing overtime of either type, time compensated for any reason on an overtime basis shall not be counted in computing further overtime.

**3.** RATE. Overtime shall be compensated, whether as cash or compensatory time, at the rate at which it was earned.

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4. AUTHORIZATION. Department heads are authorized to order overtime work, and no overtime shall be worked unless so ordered.

5. HOLIDAYS. All hours worked on a holiday as specified under s. 350-1 by an eligible, fair labor standards act non-exempt employee shall be considered overtime.

6. CHANGE OF SHIFT. For departments that have regularly-scheduled multiple shifts, employees who are provided with less than 48 hours notice of a change in shift shall receive overtime for all hours worked during the subsequent 48-hour period.

7. EXCLUSIONS. Nothing contained within this section is intended to authorize or require overtime compensation for employees who are excluded from overtime compensation by other provisions of the code.

### **350-4. General Overtime Procedures and Regulations.**

1. EARNED OVERTIME AND EARNED VACATION TIME, TO BE PAID IN CASE OF DEATH. A city officer or employee shall be allowed time with pay, notwithstanding the death of the officer or employee, for earned vacation time which has accrued. A city officer or employee shall be allowed time with pay, notwithstanding the death of the officer or employee for recorded and certified overtime which has accrued, not exceeding 120 hours worked or 180 hours for which time-off may be taken, to which the employee was entitled at the time of death. The proper city officers shall include overtime and vacation time on the regular or supplementary payroll to accomplish the purpose of this section.

2. REPORTING OVERTIME REQUIRED. a. To Employee Relations. A report of all overtime employment, whether compensated for in cash or by compensatory time-off allowed by each department, shall be submitted to the director of employee relations with the payroll for the period in which the overtime was authorized for a review of the necessity of the overtime employment. The director of employee relations shall prescribe the form of the report of overtime worked or compensatory time taken off, and the number and disposition of copies. In case of departmental error or omission in reporting overtime worked or time taken off, supplementary reports shall be submitted by the departments in order that payroll checks shall

reflect correct amounts, and overtime records shall indicate the exact number of hours of overtime worked or time taken off.

b. To Common Council. From the departmental reports of overtime worked or compensatory time taken off, the director of employee relations shall prepare consolidated reports of the overtime worked or time taken off, and shall submit the consolidated reports together with other appropriate information to the common council at regular intervals.

c. Accumulated Overtime. If an employee accumulates a total of 180 hours of compensatory time-off, or 120 hours of overtime worked for which time-off may be taken, the director of employee relations shall initiate a schedule to eliminate the overtime backlog, investigate the cause and justification of the overtime work and, when possible, institute such recommended procedures as may be necessary to eliminate the need for overtime work. In each case, the director of employee relations shall provide to the common council a report of the overtime and the recommendations made or action taken to reduce or eliminate the overtime work.

d. Overtime Studies. On the basis of regular and special reports, the common council shall regularly review the overtime worked by each department, require the presence of department heads or supervisors empowered to authorize overtime work for supporting or explaining its need, and establish rules as may be deemed necessary for controlling overtime work.

3. OVERTIME NOT TO BE USED FOR RETIREMENT CREDIT. No overtime period of service, nor the compensation received, shall be counted as accruing toward credit or deduction on any annuity or pension rights.

### **350-5. Exclusion from Overtime.**

1. POSITIONS EXCLUDED. The director of employee relations shall determine the positions that shall be exempt from the overtime provisions of this chapter.

2. FLEXIBLE SCHEDULE. Employees of positions that work a minimum average of 40 hours per week, normally consisting of 5 workdays of 8 hours each, shall be considered to work on a flexible schedule within the limits of a 40-hour week, dependent on existing workload demands and with the

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approval of department heads. Under this flexible schedule provision, the daily work schedule of employees may be adjusted as necessary and appropriate to fulfill their assigned duties and responsibilities. The adjustments may include starting and quitting times that are earlier or later than established in the normal work schedule of a department and may include hours of work that are more or less than 8 hours in any particular day, within the limits described. This flexible schedule provision shall not be construed as allowing compensatory time-off at the rate of time and one-half, allowing time-off for extended personal illness without charge to sick leave, or allowing time-off for extended vacation.

**3. ADMINISTRATION.** Department heads shall enforce this section as it applies to personnel within their departments. The director of employee relations shall interpret the provisions of this section and report to the finance and personnel committee any problems or abuses concerning the interpretation or administration of this section.

**4. TO BE USED WITHIN 2 YEARS.** All employees entering positions excluded from payment in cash or compensatory time-off for overtime worked by these or any other provisions of the code shall take off any overtime balance previously earned within a 2-year period from the time of entering the position.

**350-6. Compliance with the Fair Labor Standards Act.** In accordance with the provisions of the federal fair labor standards act, the:

**1.** Director of employee relations shall determine the positions and classes that are covered by the act and transmit appropriate guidelines and instructions for carrying out the applicable provisions of the act to city departments and agencies.

**2.** Comptroller shall develop and establish payroll recordkeeping, payment inclusions and payroll practices to ensure good-faith compliance with the act.

**3.** Director of employee relations shall issue a policy statement prohibiting departments and agencies from docking employees exempt from the act for partial-day absences and institute a policy for those employees to make up the time, consistent with departmental operations.

**4.** Labor negotiator shall meet with appropriate representatives to discuss and clarify city compliance policies.

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**SUBCHAPTER 2  
INSURANCE**

**350-25. Group Life Insurance.**

**1. DEFINITIONS.** In this section:

a. "City" means the city of Milwaukee.

b. "City agency" means a city agency as defined in s. 36-02-8 of the city charter which has voted to participate in the city's group life insurance program with the approval of the common council.

c. "Employe" means employe as defined in sub. 3.

d. "Fireman" means fireman as defined in s. 36-02-16 of the city charter.

e. "Policeman" means policeman as defined in s. 36-02-24 of the city charter.

**2. PURPOSE.** It is the intention of the common council of the city of Milwaukee by adoption of this section to provide group life insurance for eligible city employes including therein all officers pursuant to the terms and conditions hereinafter specified.

**3. ELIGIBILITY.** a. "Employe" as used herein shall mean any person who may appear on a regular payroll at full basic pay for at least 20 hours a week on a year-round basis; or, effective March 1, 2001, for school nurses represented by the Staff Nurses' Council, at least 20 hours week on a school-year basis or 40 hours a week for 6 consecutive months of service with the employer in each year. The term employe shall not exclude any employe who has retired after 20 years of service as recognized for vacation computation under the employe's respective retirement plan, or any policeman under the employe's retirement system who has separated with 25 years of creditable service and elected a deferred retirement allowance under s. 36-05-6-e, of the city charter, nor any retired employe who had less than 25 years of such service but more than 20 years of such service on May 14, 1968, was insured under the provision of sub. 5 provided that all back premiums are paid by employe.

b. The employe must complete 6 consecutive months of service with the city on the day preceding such date; for the purpose of this requirement, an authorized leave of absence without pay for more than 5 consecutive days shall be considered a termination of employment. Effective March 1, 2001, for school nurses represented by the Staff Nurses' Council, all leaves of absence because of school not in session shall not be considered a termination of employment.

c. For determining group life insurance eligibility, mandatory furlough time shall be considered as time of active service on the payroll.

d. A terminated employe who is re-employed shall be considered as a new employe.

e. Any employe who waived coverage heretofore and who is desirous of obtaining such coverage because of the free group life insurance which the city is providing, may obtain coverage of group life insurance to which his compensation entitled him. Such person shall be permitted to obtain such free insurance coverage only in the amount to which he is entitled, based on his compensation. Application for such insurance shall be made on forms supplied by the group life insurance department and all such coverage shall be effective from and after January 1, 1969. Deductions for that portion of the group life insurance coverage which such applicant is entitled to shall be in the manner determined by the group life insurance department. The re-enrollment period shall expire March 15, 1969, and any eligible person not enrolling by that date shall be deemed to have waived such insurance. An employe who waives coverage within 30 days of the date of his original eligibility and then applies for coverage must be under age 50, wait one year from date of application, and submit evidence of insurability to the insurance company at his own expense.

f. Coverage for eligible employes shall be voluntary.

g. A person who retires is eligible if retirement takes place at age 60 or older, or in the case of firemen and policemen at age 57 or older, and then only if covered by insurance by being an employe at the time of retirement.

h. If retirement on a voluntary basis is prior to attainment of age 60 or age 57 for firemen or policemen, the right to be covered by insurance in the group life insurance plan is terminated, except as provided in sub. 1.

i. Notwithstanding the provisions of par. a group life insurance shall be provided to certain employes as specified in this section during the period January 1, 1979, through December 31, 1980.

**4. AMOUNT OF INSURANCE.**

a. Base Coverage. The amount of base coverage to which an employe other than a fireman or policeman is eligible shall be equal

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to the employe's annual basic salary to the next higher thousand dollars of earnings. For firemen and policemen the amount of base coverage for employes in active service, and the terms and conditions under which such coverage is to be provided, shall be as set forth in either sub. 12 or, if the employe is in a certified collective bargaining unit, in the labor contract between the city and such certified bargaining unit that is in force and effect.

b. Optional Coverage. b-1. City management employes and designated management employes of city agencies, employes represented by the Technicians, Engineers and Architects of Milwaukee, Local 75, Journeymen Plumbers' and Gasfitters' Union, AFL-CIO, and Local 494, IBEW, AFL-CIO (Machine Shop) in active service or retiring on disability under the age of 65 eligible for and taking base coverage shall be eligible to apply for supplemental coverage at their option in increments of \$1,000, to a maximum of 1.5 times their annual basic salary rounded to the next higher thousand dollars of earnings. Application for supplemental coverage shall be permitted annually during periods of open enrollment as designated by the city.

b-2. No later than 30 days prior to the date established by the city, an employe represented by Local 494, IBEW, AFL-CIO (Electrical Group) or the Milwaukee Building Construction Trades Council in active service or who after that date retires on disability and under the age of 65 eligible for and taking base coverage shall be eligible to apply for supplemental coverage effective the first day of the month following the open enrollment period as determined by the city for supplemental coverage at his or her option in increments of \$1,000 to a maximum of 1.5 times his or her annual basic salary rounded to the next higher thousand dollars of earnings. Application for supplemental coverage shall be permitted annually during periods of open enrollment as designated by the city.

b-3. No later than 30 days prior to the date established by the city, a nonmanagement, nonrepresented employe or an employe represented by Milwaukee District Council 48, AFSCME, AFL-CIO, the Joint Bargaining Unit of Local 139, IUOE, AFL-CIO and Milwaukee District Council 48, AFSCME, AFL-CIO, the Staff Nurses' Council, the Association of Scientific Personnel, or the International Association of Machinists and Aerospace Workers, District No. 10, AFL-CIO in active

service or who after that date retires on disability and under the age of 65 eligible for and taking base coverage shall be eligible to apply for supplemental coverage effective January 1, 1994 at his or her option in increments of \$1,000 to a maximum of 1.5 times his or her annual basic salary rounded to the next higher thousand dollars of earnings. Application for supplemental coverage shall be permitted annually during periods of open enrollment as designated by the city.

b-4. No later than 30 days prior to the date established by the city, an employe represented by Milwaukee District Council #48, AFSCME, AFL-CIO; the Association of Municipal Attorneys; the Association of Scientific Personnel; Local #195, IBEW, AFL-CIO; the Staff Nurses' Council; Public Employes' Union #61, LIUNA, AFL-CIO, CLC or the Joint Bargaining Unit of Local 139, IUOE, AFL-CIO and Milwaukee District Council 48, AFSME, AFL-CIO in active service or who after that date retires on disability and under the age of 65 eligible for and taking base coverage shall be eligible to apply for supplemental coverage, at his or her option, in increments of \$1,000 to a maximum of either 1.5 times his or her annual basic salary rounded to the next higher thousand dollars of earnings or \$100,000, whichever is greater. This supplemental coverage shall be effective the first day of the next month following the next open enrollment period as determined by the city for supplemental life insurance coverage following the execution dates of the labor agreements with the bargaining units covered by this paragraph. Application for supplemental coverage shall be permitted annually during periods of open enrollment as designated by the city.

b-5. No later than 30 days prior to the date established by the city, an employe represented by Fire Equipment Dispatchers, Local #494, IBEW, AFL-CIO in active service or who after that date retires on disability and under the age of 65 eligible for and taking base coverage shall be eligible to apply for supplemental coverage effective the first day of the next month following the next open enrollment period as determined by the city at his or her option in increments of \$1,000 to a maximum of 1.5 times his or her annual basic salary rounded to the next higher thousand dollars of earnings. Application for supplemental coverage shall be permitted

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annually during period of open enrollment as designated by the city.

b-6. No later than 30 days prior to the date established by the city, an employe represented by Public Employees' Union #61, LIUNA, AFL-CIO, CLC, or by the Association of Law Enforcement Allied Services Personnel, Local #218, IUPA, AFL-CIO (Clerical Unit), or the Association of Municipal Attorneys in active service or who after that date retires on disability and under the age of 65 eligible for and taking base coverage shall be eligible to apply for supplemental coverage effective the first day of the next month following the next open enrollment period as determined by the city at his or her option in increments of \$1,000 to a maximum of 1.5 times his or her annual basic salary rounded to the next higher thousand dollars of earnings. Application for supplemental coverage shall be permitted annually during periods of open enrollment as designated by the city.

c. Pay Period Affected. Amounts of group life insurance coverage to which the employe is entitled shall be adjusted on pay period 1 for coverage effective January 1 and on pay period 15 for coverage effective July 1 and adjustments shall accordingly be made to reflect the effect and intent of negotiated retroactive wage adjustments for January 1 or July 1 coverage respectively.

d. Change of Coverage. Eligible employes who apply shall be required to take maximum base coverage. Eligible employes shall be permitted to change the amount of their supplemental coverage annually at such time as is approved by the carrier of the city of Milwaukee.

e. Percent of Coverage after Age 65.

e-1. For employes who retired prior to January 1, 1970, when reaching age 65 coverage shall be reduced to 75% of annual insurance coverage, at age 66 to 50% of annual insurance coverage; and at age 67 and thereafter 25% of annual insurance coverage. For employes who were in active service on or after January 1, 1970, and who retired prior to January 1, 1972, upon reaching age 65 there shall be no reduction in the amount of free insurance coverage for such persons, at age 66 coverage shall be reduced to 66 2/3% of such annual insurance coverage; and at age 67 and thereafter to 33 1/3% of such annual insurance coverage. Employes who were in active service on or after January 1, 1972, and for those

retiring after December 31, 1971, upon reaching age 65 there shall be a reduction in the amount of free insurance coverage for such employes and such coverage shall remain and continue at 50% of the highest amount of compensation which they have earned. It is not intended by the provisions of this section that any person age 65 or over covered by group life insurance and who had not retired prior to January 1, 1972, shall be deprived of any benefit which has accrued to him prior to this amendment.

e-2. For employes in active service on or after January 1, 1993, upon attaining age 65, the amount of life insurance coverage to which a management or non-management/nonrepresented employe, or an employe represented by Milwaukee District Council 48, AFSCME, AFL-CIO or Technicians, Engineers and Architects of Milwaukee, or Local 494, IBEW, AFL-CIO (Machine Shop), or Local 75, Journeymen Plumbers' and Gasfitters' Union, AFL-CIO, or the Association of Scientific Personnel or the Joint Bargaining Unit of Local 139, IUOE, AFL-CIO and Milwaukee District Council 48, AFSCME, AFL-CIO, or Staff Nurses' Council, or International Association of Machinists and Aerospace Workers, District No. 10, AFL-CIO, or Local 195, IBEW, AFL-CIO, or Public Employees' Union #61, LIUNA, AFL-CIO, CLC, or by the Association of Law Enforcement Allied Services Personnel, Local #218, IUPA, AFL-CIO (Clerical Unit), or the Association of Municipal Attorneys, or Local 494, IBEW, AFL-CIO (Electrical Group), or the Milwaukee Building and Construction Trades Council, AFL-CIO, is entitled, who was insured for 100% of annual base salary on the day immediately preceding his or her 65th birthday, shall be reduced by 33-1/3% on his or her 65th birthday and, by an additional 16-2/3% on his or her 70th birthday.

e-3. For employes in active service on or after January 1, 1993, upon attaining the age of 65, the amount of life insurance coverage to which a management employe or an employe represented by Technicians, Engineers and Architects of Milwaukee, or Local 494, IBEW, AFL-CIO (Machine Shop), or Local 75, Journeymen Plumbers' and Gasfitters' Union, AFL-CIO, or Public Employees' Union #61, LIUNA, AFL-CIO, CLC, or the Association of Municipal Attorneys is entitled, who was insured for more than 100% of annual base salary on the day immediately preceding his or

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her 65th birthday, shall be reduced by 33-1/3% on his or her 65th birthday and by an additional 16-2/3% on his or her 70th birthday and by an additional 16-2/3% on his or her 75th birthday, but in no event to less than 50% of annual base salary.

e-4. For employes in active service on or after July 1, 1993, upon attaining the age of 65, the amount of life insurance coverage to which an employe represented by Fire Equipment Dispatchers, Local #494, IBEW, AFL-CIO is entitled, who was insured for 100% of annual base salary on the day immediately preceding his or her 65th birthday, shall be reduced by 33-1/3% on his or her 65th birthday, and by an additional 16-2/3% on his or her 70th birthday.

e-5. For employes in active service on or after January 1, 1993, upon attaining the age of 65, the amount of life insurance coverage to which an employe represented by Fire Equipment Dispatchers, Local #494, IBEW, AFL-CIO, or Local 494, IBEW, AFL-CIO (Electrical Group) is entitled, who was insured for more than 100% of annual base salary on the day immediately preceding his or her 65th birthday, shall be reduced by 33-1/3% on his or her 65th birthday, and by an additional 16-2/3% on his or her 70th birthday, and by an additional 16-2/3% on his or her 75th birthday, but in no event to less than 50% of annual base salary.

e-6. For employes in active service on or after January 1, 1994, upon attaining the age of 65, the amount of life insurance coverage to which a nonmanagement/nonrepresented employe, or an employe represented by Milwaukee District Council 48, AFSCME, AFL-CIO, or the Association of Scientific Personnel or the Joint Bargaining Unit of Local 139, IUOE, AFL-CIO and Milwaukee District Council 48, AFSCME, AFL-CIO, or Staff Nurses' Council, or International Association of Machinists and Aerospace Workers, District No. 10, AFL-CIO, or Public Employees' Union #61, LIUNA, AFL-CIO, CLC, or by the Association of Law Enforcement Allied Services Personnel, Local #218, IUPA, AFL-CIO (Clerical Unit) is entitled, who was insured for more than 100% of annual base salary on the day immediately preceding his or her 65th birthday, shall be reduced by 33-1/3% on his or her 65th birthday and by an additional 16-2/3% on his or her 70th birthday and by an additional 16-2/3% on his or her 75th birthday, but in no event to less than 50% of annual base salary.

5. PREMIUM PAYMENTS. a. Costs. The city and employe shall share the cost of the aggregate monthly premium. The employe shall pay the sum of \$0.21 per \$1,000 of group life insurance monthly upon the amount of insurance in excess of the free insurance to which he is entitled. The city shall pay the difference between the premium rates per \$1,000 of group life insurance monthly established by executed contract with the carrier of the city of Milwaukee group life insurance program and the sum of \$0.21 per \$1,000 of group life insurance monthly which is payable by the employe upon the amount of insurance in excess of the free insurance to which the employe is entitled. The city shall be entitled to the return of dividends and any net reserves returned by the insurance carrier. A member under age 65 on leave, lay-off, or retirement prior to age 65 entitled to continue his insurance by making cash payments under the conditions of this section, shall be entitled to continue his insurance by paying full premium rates as established by executed contract with the insurance carrier less an adjustment for estimated dividend. Such contract entered into between the city and the insurance carrier shall be drafted by the city attorney's office and shall be executed by the mayor and the city clerk, and countersigned by the city comptroller, following approval of the contract by the committee on finance and personnel and the common council.

c. Monthly Rate. A flat rate per month shall be established with no differentiation between age group up to 65.

d. On Leave of Absence. Employes who are on leave of absence shall be permitted 12 cash payments; however, employes on extended authorized educational leaves of absence or on extended authorized leaves of absence to work for project area committees may be permitted to make additional cash payments provided such additional cash payments are authorized by the committee on finance and personnel on the basis of an annual review; regular employes who are eligible as group life insurance participants and who have a seasonal temporary lay-off status shall be permitted 6 cash payments; however, employes on leave of absence for illness or on ordinary

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disability retirement shall be allowed to make cash payments for 2 years. Employes on duty disability retirement shall be allowed to continue their insurance coverage by making cash payments during their disability retirement until such time as they may become covered by another employer's life insurance program. If cash payments are not made, the insurance shall lapse.

e. Monthly Basis. Premium payments shall be made monthly on a payroll deduction basis.

f. Retirement After 20 Years. An employe insured under this section who is entitled to retire after 20 years of service, as recognized for vacation computation, under his respective retirement plan, and who does retire, and an insured policeman under the employes retirement system who has separated with 25 years of creditable service and elected a deferred retirement allowance under s. 36-05-6-e, shall be required to pay the full net premium together with such additional amount to accumulate a reserve required of any other employe.

6. CONVERSION PRIVILEGES. a. If an employe leaves the service of the city, except by retirement, his group life insurance shall continue for a period of 31 days, during which time he may purchase an individual life insurance policy at standard rates without medical examination.

b. Any conversion charges made by the insurance company shall be paid by the employe.

7. ADMINISTRATION AND ENROLLMENT. The annuity and pension board of the employe's retirement system, hereinafter referred to as the board, shall have the responsibility for the administration of the group life insurance program as provided for herein. Such board is authorized to determine and effect the method and procedure which shall be employed in providing for the enrollment of eligible employes, and in so doing shall consult with the director of employe relations. The board is authorized to prepare and promulgate such rules and regulations as may be appropriate in the board's judgment in carrying out the purpose and objectives of this section; provided, however, that before any such rules or regulations shall become effective, they must first be approved by the committee on finance and personnel of the common council and a certified copy of the rule or regulation filed with

the city clerk's office. The responsibility for the application of the provisions of this section, as well as their interpretation, shall devolve upon the board.

8. APPROPRIATIONS. a. Appropriations to cover the city's cost of participating in the group life insurance program as specified for in this section shall be made by the common council in the municipal budget. It is authorized that city funds may be used for the purpose of paying the city's share of the costs of the group life insurance program.

b. The board is permitted to expend such sums as are authorized by the common council in order to carry out the board's duties and responsibilities under the provisions of this section.

9. SPECIFICATIONS. The committee on finance and personnel of the common council may employ such consulting assistants as it may determine for the purpose of preparing specifications for a group life insurance plan as provided for in this section. The board may establish the rules and regulations which shall be applicable to the submission of bids by qualified insurance companies authorized to do business in the state of Wisconsin at the request of the committee on finance and personnel. The committee on finance and personnel and the common council shall determine the most favorable bid submitted with respect to such group life insurance program.

10. LEGAL ADVISER. The city attorney's office shall be the legal adviser with respect to the group life insurance program.

11. AMENDMENTS. This section may be amended from time to time by the common council in order to provide for additional terms, conditions and authorization. Nothing herein contained shall prohibit the common council from amending this section to provide for a different method of insurance than set forth in this section.

12. UNREPRESENTED NONCIVILIAN FIRE AND POLICE MANAGEMENT EMPLOYES. a. Eligibility. Employes in active service and in the following position classifications shall be entitled to the life insurance benefits provided under this subsection as long as they remain in active service within such classifications:

- a-1. Chief of police.
- a-2. Inspector of police.
- a-3. First deputy inspector of police.
- a-4. Deputy inspector of police, training and special services.

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a-5. Deputy inspector of police, personnel and labor relations.

a-6. Inspector of detectives.

a-7. Superintendent of police communications.

a-8. Deputy inspector of police administration.

a-9. Deputy inspector of police identification.

a-10. Assistant director of police administration.

a-11. Fire chief.

a-12. First assistant chief engineer.

a-13. Deputy chief, fire.

a-14. Battalion chief classifications.

a-15. Chief dispatcher of fire alarm and telegraph.

b. Amount of Life Insurance Coverage. Employees under age 65 shall be eligible to elect and maintain life insurance coverage in an amount equivalent to 1.5 times their annual base salary rate rounded to the next higher thousand dollars so long as they remain in active service and under age 65. Upon attaining age 65, the amount of life insurance coverage to which an employee is entitled shall be reduced to an amount equal to 100% of the employee's annual base salary rate rounded to the next higher thousand dollars. This reduction shall become effective on the first day of the month next following the month in which the employee attains age 65 and shall remain in effect so long as the employee remains in active service.

c. Adjustment of Coverage. The amount of life insurance coverage to which an employee is entitled shall be adjusted semi-annually on January 1 and July 1 to reflect changes in the employee's annual base salary rate. In this paragraph, "annual base salary rate" means an amount equivalent to the employee's biweekly base salary on those 2 dates, as the employee's biweekly base salary is established by the salary ordinance, divided by 14 and then multiplied by 365.

d. Conditions and Eligibility for Election of Coverage. d-1. Subject to the terms and conditions provided under subds. 2 to 6, an employee shall be entitled to elect the amount of life insurance coverage provided under par. b upon completion of 180 consecutive calendar days of active service as a full-time (40 hours per week) employee following the employee's initial date of employment with the city.

d-2. The election of life insurance coverage shall be in a manner prescribed by the city.

d-3. An employee meeting the eligibility requirements for election of life insurance coverage must make such election within 30 consecutive calendar days after the date the employee's eligibility is first established. If the employee fails to make such election within this time limit, the election shall be made only on such terms and conditions as are established and maintained from time to time by the city or its life insurance carrier.

d-4. An employee shall become entitled to the life insurance coverage provided under par. b 30 consecutive calendar days following the date the employee elects such coverage.

d-5. An employee re-employed subsequent to a separation from active service, for whatever reason, must re-establish eligibility for life insurance coverage on the same basis that would be applicable to a new employee having the same starting date that the re-employed employee had following employment.

d-6. An employee who has previously waived life insurance coverage provided by the city, either under this subsection or otherwise, while employed with the city or a city agency as defined in s. 36-02-8 of the city charter, shall be permitted to elect life insurance coverage only on such terms and conditions as are established and maintained from time to time by the city or its life insurance carrier.

e. Cost of Life Insurance Coverage. Employees eligible for life insurance coverage under par. b who elect such coverage shall pay to the city an amount equal to 21 cents per month for each \$1,000 of coverage in excess of \$45,000 for firemen after December 31, 1999 and in excess of \$45,000 for policemen after March 1, 1996. These payments shall be accomplished by periodic deductions from employees' biweekly pay checks. The city shall make all other necessary payments for life insurance coverage described in par. b.

f. Conditions and Limitations on Benefits. f-1. An employee eligible to elect life insurance coverage must elect the maximum amount to which the employee is entitled under par. b.

f-2. The life insurance benefits provided under this subsection shall only cover employees while they are in active service.

f-3. Life insurance benefits shall be subject to all terms and conditions contained in the contract between the city and its life insurance carrier effective January 1, 1983.

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f-4. While eligible for the life insurance benefits provided under this subsection an employe shall not be entitled to receive additional benefits under subs. 1 to 11. However, such an employe shall be covered by all the terms and conditions provided in subs. 1 to 11 that are not in conflict with this subsection.

g. Effective Date. This subsection shall be in force and effect from and after January 1, 1983, for policemen and March 1, 1983, for firemen.

**13. COVERAGE FOR CERTAIN RETIRED POLICE EMPLOYES.** a. Employes who retire in the following position classifications are eligible for the optional reduced retiree life insurance coverage hereinafter provided:

a-1. Chief of police.

a-2. Assistant chief of police.

a-3. Inspector of police.

a-4. Deputy inspector of police position assigned to the administration division of the personnel/administration bureau.

a-5. Captain of police position assigned to the office of the chief of police.

a-6. Administrative lieutenant of detectives assigned to the personnel division of the personnel/administration bureau.

b. Except as provided in par. c, an employe eligible for retiree life insurance coverage who elects such coverage must elect the maximum to which the employe is entitled under sub. 4-d.

c. An employe who commences receiving a service retirement allowance on and after July 25, 1989, and is eligible for retiree life insurance coverage under subs. 1 to 11 shall be eligible to elect an amount of coverage less than the maximum prescribed thereunder (such coverage shall be termed "reduced coverage") subject to the following conditions:

c-1. The employe may elect reduced coverage at the time of retirement or, commencing with the 2nd January 1 following the employe's effective retirement date, within the 30 calendar day period immediately preceding January 1 of the calendar year. Such election shall be in writing on a form prescribed by the city and shall be submitted to a city-designated administrator within time limits prescribed by the city. Once elected, the amount of an employe's reduced coverage shall remain unchanged, except as provided in subd. 2.

c-2. An employe or retiree eligible for reduced coverage may modify the amount of his or her retiree life insurance coverage, either maximum coverage or reduced coverage, for a calendar year by executing a change of coverage form prescribed by the city within the 30 calendar day time period immediately preceding January 1 of the calendar year, but not earlier than the 2nd January 1 following the employe's effective date, in accordance with procedures established for this purpose by the city. In no event shall the modified amount of coverage exceed the maximum amount of coverage prescribed by the city.

d. Election of reduced coverage or modification to reduced coverage or maximum coverage during the 30 calendar day period immediately preceding January 1 of the calendar year, as provided in this subsection, shall become effective on January 1 of the calendar year.

e. The amount of reduced coverage shall be in units of \$1,000.

f. An employe or retiree age 65 or older shall not be eligible to elect or maintain reduced coverage.

g. For purposes of administration, "retiree" means an individual eligible for reduced coverage after the effective date his or her service retirement allowance commenced. Election of retiree life insurance coverage and modification to the coverage shall be the responsibility of the employe or retiree.

### **350-27. Reimbursement of City for Worker's Compensation.** 1. PAID TO CERTAIN DEPARTMENTS.

The department of employe relations shall submit at the end of each quarter of the fiscal year a statement of worker's compensation expenses incurred for injuries sustained by employes while within the scope of employment who are employed by the Milwaukee water works and the Milwaukee board of school directors to the aforesaid department, departments or divisions.

2. REIMBURSEMENT. At the end of each quarter of a fiscal year, the Milwaukee water works and the Milwaukee board of school directors, which are self sustained, shall reimburse the city for all worker's compensation expenses incurred for injuries sustained by employes while within the scope of employment who are employed by said respective departments.

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**3. HOUSING AUTHORITY.** The housing authority of the city of Milwaukee shall through private insurance contract provide for coverage of worker's compensation expenses for injuries sustained by employes of said housing authority while within the scope of employment.

**350-30. Health Benefits. 1. PAYMENTS OF PREMIUMS, CLAIMS AND ADMINISTRATIVE FEES AUTHORIZED.** The department of employee relations, division of employee benefits, is authorized to contract for insured or self-insured healthcare benefits for city employees and to make payments to an insurance company or fees and health care claims to a third-party administrator if the city self-funds the health insurance benefits.

**2. EFFECTIVE DATE.** Payment of premiums accrued prior to January 1, 2012, shall be paid and then cease as of December 31, 2011. Subsequent payment of premiums or claims by the city shall commence on January 1, 2012.

**3. ADDITIONAL COMPENSATION.** Nothing contained in this section shall in any manner be construed or interpreted to mean that any additional compensation is being, or shall be, paid to any employee or officer of the city; nor shall any such person have or assert any claim against the city for payment to the person of any amount by reason of any provision of the code relating to the payment of premiums for city employees or officers of the city.

**4. EMPLOYEE PAYMENTS.**

a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, every city employee shall be responsible for 12% of the health insurance premium selected by the employee as determined by the department of employee relations working with a consultant and an actuary to determine the total cost of the plan.

b. Every city employee shall be responsible for deductibles, co-payments or other charges as shall be determined by the common council

**5. ELIGIBILITY FOR NEW EMPLOYEES.** New employees eligible for enrollment in health insurance are eligible for insurance on the 31st day of employment. Determination of eligibility shall be made by the department of employee relations.

**6. ADMINISTRATION.** The department of employee relations shall administer this section.

**350-33. Long-Term Disability Insurance.**

**1. PROGRAM AUTHORIZED, PAYMENT OF PREMIUMS.** The department of employee relations is authorized to enter into contracts on behalf of the city for the purchase of long-term disability benefits for eligible employees or groups as determined by the department of employee relations. The city shall pay the cost of benefits after a 180-day waiting period, and the policy may provide that an employee may elect to pay the vendor selected by the department of employee relations for a shorter waiting period, such as 60, 90 or 120 days.

**350-34. Dental Insurance.**

**1. PROGRAM AUTHORIZED, PAYMENT OF PREMIUMS.** The department of employee relations is authorized to contract with dental providers and to determine dental benefits for city employees. The department of employee relations is authorized to make payments to dental insurance providers for these benefits.

**2. ELIGIBILITY.** The department of employee relations shall be authorized to determine eligibility for dental benefits.

**3. EMPLOYEE CONTRIBUTIONS.** The department of employee relations is authorized to pay \$13 per month for single dental and \$37.50 per month for family dental coverage. Each employee shall be responsible for the balance of the premium. The department of employee relations shall communicate information about these benefits to eligible employees.

**SUBCHAPTER 3  
LEAVES OF ABSENCE**

**350-35. Leave of Absence Policies. 1. LENGTH OF TIME; RESTRICTIONS.** No employe of the city of Milwaukee shall be granted a leave of absence with or without pay for a period of longer than one year, and no leave of absence shall be granted any such employe unless said employe has been so continuously employed for 6 months after the expiration of any previous leave of absence; provided further that this section shall not apply to any leave of absence taken on account of illness; provided further that a leave of absence granted for educational training under public laws 16 and 346 of the 78th Congress and amendments and supplements thereto, may be extended for a period of not to exceed a total continuous leave of 4 years. The provisions of this section shall not apply to leaves of absence of city officials or employes whose positions are not filled during said absence.

**2. RUNNING FOR POLITICAL OFFICE.**

a. **Candidacy.** Any exempt or nonexempt city employe may be a candidate for any political office and may actively campaign therefore without jeopardizing his or her employment with the city.

b. **Reinstatement Rights.** In the case of his or her election, the elected official shall, upon request, be granted a leave of absence from his or her position of municipal employment, and the leave of absence shall carry reinstatement rights to be exercised not later than one year from the expiration of his or her elected term of office, and the reinstatement may be either to his or her position formerly held or to a position having substantially similar requirements, responsibilities and salary; provided, however, that any reinstatement may be made only to fill a vacancy and shall not be made if the effect would be to displace a regularly and permanently appointed successor. This paragraph shall apply only to personnel holding civil service positions under the control of the common council.

c. **Notification.** It shall be the duty of all employes affected by this subsection to forthwith advise their immediate supervisor of such political candidacy, and of such supervisor to forthwith give notice to the appropriate department.

**3. TIME-OFF FOR JURY DUTY.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be granted time-off with pay for reporting for jury duty or jury service upon presentation of satisfactory evidence relating to this duty or service. Employees shall retain all compensation received for jury-duty service, but shall have deducted from their city pay an amount equal to the compensation received by them for jury duty, exclusive of travel pay and pay for jury duty performed on off-duty days. No greater amount of time shall be granted than necessary, and in any case, if an employee is called for jury duty and reports therefor without receiving a jury assignment for that day, or if the employee is engaged in jury duty or service for a part of a day, the employee shall, if his or her city work is available, report for the performance of city duties for the remainder of the day. If jury duty coincides with any mandatory furlough dates, the employee shall not be paid salary from the city on those dates but shall be allowed to retain jury-duty compensation

**3.5. TIME OFF FOR COURT SUBPOENAS.** Employes shall be granted time off with pay, upon presentation of satisfactory evidence relating to this duty, under a subpoena to appear in court during working hours with respect to any incident which occurred while the employes were at work. Compensation received (exclusive of travel pay) for this duty shall be immediately paid over to the city treasurer and shall be credited to the general fund; provided, however, that payment for the duty may be retained by employes for appearances made on off-duty hours. If such court subpoena appearances coincide with any mandatory furlough dates, the employe shall not be paid salary from the city on those dates, but shall be allowed to retain court subpoena appearance compensation.

**4. FIRE DEPARTMENT OFFICERS; FEDERAL SERVICE NOT TO EXCEED 5 YEARS.** Any officers of the Milwaukee fire department who shall qualify and be taken into the federal government service as chiefs or assistant chiefs of the government's fire protection service shall be granted a leave of absence for a period of one year, provided that this period of time may be extended from year to year upon filling a 30-day notice requesting an extension with the chief engineer of the Milwaukee fire department prior to the expiration

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of the year; but in no event shall such extended service exceed 5 years. Upon return, such employees of the fire department shall be subject to a satisfactory medical examination to be given by the medical examiners designated by the fire and police commission and, if passed by the medical examiners, be placed in the same position as now held by them.

5. FUNERAL LEAVE. a. Immediate Family. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, funeral leave shall cover necessary absence from duty of a general city employee because of death in the immediate family of the employee. "Immediate family" is defined as husband or wife, child, stepchild, brother, sister, parent, stepparent, mother-in-law, father-in-law, brother-in-law, sister-in-law or grandchild of the employee. "Brother-in-law" and "sister-in-law" includes a spouse's sibling's spouse. "Immediate family" includes stepparents and stepchildren by virtue of the employee's current spouse. Eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. "Immediate family" also includes an employee's domestic partner, if the domestic partnership is registered with the department of employee relations under s. 350 245 or was registered with the city clerk as provided in s. 111-3 in effect prior to October 30, 2009. In the case of a death in the immediate family, an employee working a regular or alternative work schedule may be granted a leave of absence not to exceed 3 8-hour work days with pay. These work days shall be limited to work days falling within the 10 consecutive calendar-day period that begins on the day of death. One day with pay may be used to attend the funeral of a grandparent of the employee. If funeral leave coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

b. Verification. The director of employee relations is authorized and directed to administer the provisions of funeral leave and shall require a form approved by the city service commission to be submitted to the employee's immediate supervisor immediately after funeral leave is taken, and suitable proof, such as a copy of the obituary notice attached, and shall require notification to be given by the employee to his immediate supervisor prior to taking funeral leave.

c. Funeral Leave for Certain Unrepresented Noncivilian Fire Department Management Employees. c-1. Eligibility. Effective March 1, 1985, employees in the following position classifications shall be eligible to receive funeral leave benefits so long as they remain in active service in those positions:

c-1-a. Battalion chief classifications.

c-1-b. Deputy chief, fire.

c-1-c. Assistant fire chief.

c-1-d. Fire chief.

c-2. Definitions. In this paragraph:

c-2-a. "Funeral leave" means absence from duty because of death of a family member or relative.

c-2-b. On and after April 11, 2006, "immediate family" means the employee's husband, wife, brother, sister, parent, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, and step-child by virtue of the employee's current spouse or step-parents; provided, however, that during an employee's lifetime, funeral leave for step-parents shall be limited to one step-mother and one step-father, regardless of the number of step-parents.

c-3. Benefits. An eligible employee covered by this paragraph shall be granted funeral leave with pay because of death in his or her immediate family for the time period beginning with the time of death and including the day of the funeral. The maximum amount of funeral leave with pay for each instance of death in the immediate family shall be 2 work days for an employee whose normal hours of work exceed 40 hours per week, and 3 work days for an employee whose normal hours of work average 40 hours per week. If funeral leave coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the fire chief.

c-4. Requirements. c-4-a. An eligible employee requesting funeral leave shall be governed by departmental rules and procedures covering the administration of funeral leave.

c-4-b. An eligible employee requesting funeral leave must notify his or her immediate supervisor directly and no later than one hour before his or her shift begins.

c-4-c. An eligible employee returning from funeral leave must notify his or her immediate supervisor directly and no later than one hour before his or her shift begins.

c-5. Administration. Administration and control of funeral leave benefits shall be by the city.

**6. UNPAID EDUCATIONAL LEAVES OF ABSENCE.** a. Purpose. The purpose of the unpaid educational leave of absence is to provide for educational or professional development of employees. In no case shall the leave be used by the employee for purpose of pursuing other paid employment.

b. Eligibility. Employees with at least 5 years of service shall be eligible for an unpaid educational leave of absence of up to one month and employees with at least 10 years of service shall be eligible for an unpaid educational leave of absence for up to 2 months.

c. Approval. Department heads may authorize these unpaid leaves of absence and shall approve the timing of the leaves.

d. Payments. The city shall continue to make health, dental and life insurance payments for employees who are on unpaid educational leave of absence.

e. Reinstatement. Employees who are granted an unpaid educational leave of absence shall be entitled to reinstatement to their original positions upon return from leave.

f. Additional Unpaid Leave. Nothing included in this subsection prohibits additional unpaid leave time from being granted under the rules of the city service commission, subject to department head approval.

**350-36. Military Leave and National Medical Disaster System Deployment.**

**1. MILITARY LEAVE TO BE GRANTED.** a. For Military Purposes. Officers and employes of the city of Milwaukee, including members of the fire and police departments who enlist, or are inducted or ordered into active service in the land or naval forces of the United States pursuant to the selective training and service act of 1940, or the national guard and reserve officers mobilization act of 1940, or the selective service act of 1948, and any acts amendatory thereof or supplementary thereto; including the selective service extension act of 1950, and the universal military training and service act of 1951, the latter also known as ch. 144 of public law 517, the 82nd congress, first session, shall be granted a leave of absence during the period of such service. Upon completion and release from active duty under honorable conditions they shall be reinstated into the positions they held at the time of taking such leave of absence or to a position of like seniority, status, pay and salary advancement, provided, however, that they are

still qualified to perform the duties of their positions or similar positions; and if they are not so qualified, they shall be employed in such positions for which they shall be qualified but at seniority status, pay and salary advancement of the positions they held at the time of taking such leave.

b. Reinstatement. The city service commission shall hear complaints of all persons, except firemen and policemen returning from service in the land, naval or air forces of the United States and shall make recommendations to appointing officers, boards and commissions for the appropriate reinstatement or employment of such persons. The fire and police commission shall hear complaints of persons who were members of the fire and police departments.

c. Application. All such leaves of absences shall be terminated, in case of employes granted such leave shall fail to make application for re-employment within 90-days after being released from service in the land or naval forces of the United States, unless such employe is hospitalized by the United States government for a disability incurred or aggravated in the line of duty. The 90-day period shall be in force after discharge from hospital.

d. Replacement. Appointees to positions made vacant by leaves of absence as aforesaid shall hold their positions temporarily only, and shall not continue therein to the exclusion of persons returning from service in the land or naval forces of the United States, or of persons temporarily appointed to other positions because of military leaves of others and returning to their former positions.

e. Interpretation. The provisions of s. 350-35 shall not apply to leaves of absence covered by this section.

**2. LEAVES FOR MILITARY TRAINING, NATIONAL MEDICAL DISASTER SYSTEM DEPLOYMENT, OR CIVIL DISTURBANCES.**

a. Leaves of Absence.

a-1. Permanent full time employes of the city of Milwaukee shall be granted leaves of absence with pay to take training, for deployment on the Wisconsin Disaster Medical Assistance Team, or if called to duty in the state of Wisconsin in the case of riot or civil disturbance, as members of the Air Force Reserve, Organized Reserve Corps of the Army, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, or National Guard, under the direction of the state or federal authorities.

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a-2. If training is limited to a single period during a calendar year, said leave shall not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays, during a calendar year. If civil disturbance or disaster medical assistance team deployment leave is limited to a single period during a calendar year, said leave shall not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays during a calendar year.

a-3. If training or civil disturbance or disaster medical assistance team deployment leave is taken on an intermittent basis during a calendar year by permanent full time employes whose normal hours of duty average 40 hours per week, said leave shall not exceed 10 work days including Saturdays, Sundays and legal holidays, during a calendar year for training, and 10 work days including Saturdays, Sundays and legal holidays, during a calendar year for civil disturbance duty.

a-4. If training, civil disturbance, or disaster medical assistance team deployment leave is taken on an intermittent basis during a calendar year by permanent full time employes of the fire department whose normal hours of duty exceed an average of 40 hours per week, said leave shall not exceed the equivalent of 5 duty days during a calendar year for training, and 5 duty days during a calendar year for civil disturbance duty, as determined by the fire department.

a-5. Said leave shall be granted by the head of the department in which the employe works upon presentation of satisfactory evidence of military, air force, National Medical Disaster System or naval authority to take such training.

a-6. Compensation for said leave or leaves shall be in accordance with the provisions of par. b. If such leave or leaves coincide with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

b. Compensation. b-1. Permanent full time employes of the city of Milwaukee who because of honorable service in any of the wars of the United States were eligible for veterans' preference for employment by the city at or following the time of their appointment, or as provided in ss. 45.35 and 63.37, Wis. Stats., as amended, shall receive full city pay during such leaves of absence for duty under par. a-1.

b-2. Permanent full time employes of the city of Milwaukee who do not qualify for veterans' preference, as described in subd. 1 above, shall receive their full city pay, less a deduction equal to their military pay received for duty under subd. 1; the amount of military pay shall not be deducted for purposes of computing pension benefits.

**2.5. CONTINUATION OF BENEFITS DURING CERTAIN MILITARY LEAVES OF ABSENCE.** In addition to the rights of city employes pursuant to this section, during a military leave of absence for performance of duties as a member of a national guard unit of the United States or reserve component of the United States who is called to, or volunteers for, active duty in Bosnia, active duty in connection with the presidential executive order of April 27, 1999, relating to Operation Allied Force, the anti-terrorism campaign Operation Enduring Freedom or Operation Iraqi Freedom in accordance with the calling up of units of the national guard of the United States or members of the reserve components of the United States, for a period of more than 30 days, health or dental benefits or both for such employe's dependents shall be continued under the following conditions:

a. Under COBRA (extended coverage), and commencing on the first day of the month following the month in which an employe's on-payroll status coverage terminates, the city shall contribute an amount towards meeting the subscriber cost for family enrollment in the health and dental plan elected of up to 100% of the monthly subscriber cost for the 24 months of the military leave of absence conditioned in this subsection.

b. The spouse/dependent must certify to the city's department of employe relations, employe benefits division, that although they are eligible for CHAMPUS coverage through the U.S. government, they opt to continue city health and/or dental coverage.

c. The employe's spouse/dependent must enroll through the department of employe relations, employe benefits division, for COBRA health and/or dental coverage in the existing plan(s) immediately upon being notified of active duty status.

d. The eligibility of the spouse/dependent to continue city-paid health and/or dental coverage as provided in this subsection shall cease on the last day of the

month in which the national guard or reserve member is released from active duty or the expiration of 24 months of the employe's military leave of absence, whichever occurs first.

**3. LEAVES FOR MILITARY FUNERALS.** Officers and employes of the city of Milwaukee shall be allowed to attend military funerals of veterans without loss of pay when a request for leave is made by a proper veterans organization that the services of such officer or employe is desired for the proper conduct of a military funeral. If such leave for a military funeral coincides with any mandatory unpaid furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

**4. PAY DURING TIME OFF FOR INDUCTION EXAMINATION.** All officers and employes of the city of Milwaukee shall be paid for time lost while taking physical or mental examination for the purpose of determining eligibility for induction or service in the armed forces of the United States. If such time off coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

**350-37. Sick and Disability Leave.** Sick and disability leave shall cover necessary absence from duty of an employe because of the employe's personal illness or pregnancy-related disability, bodily injury or exclusion from employment because of exposure to contagious disease by the employe. In addition, an employe may request the substitution of sick leave for family leave under the state family and medical leave act, s. 103.10, Wis. Stats. Employees may not use sick and disability leave for furlough days. Employees may accrue time earned for sick and disability leave purposes while serving mandatory furlough time.

**1. TIME GRANTED.** a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an eligible employe of the city who serves on a full-time basis may accrue 12 working days' sick and disability leave with pay during any year. City seasonal laborers shall be eligible to accrue sick and disability leave credit for a maximum of one year of actual service, but they may not be paid sick and disability leave until they become regular city laborers or

sanitation workers. Employees who serve the city on less than a full-time basis who qualify in all other respects may be granted a proportionate amount of sick and disability leave.

b. At the discretion of the department head, an employe may be excused for a paid absence of 2 hours or less to attend doctor or dentist appointments without reporting them as paid sick leave on no more than 3 separate occasions during a calendar year.

**2. ACCUMULATIVE BASIS.**

a. Every permanent employe shall be granted sick and disability leave with pay at the rate of 3.7 work hours for each 2 weeks of service. The unused balance of sick and disability leave allowance shall be accumulated to the employe's credit up to 120 working days or 960 hours.

b. In addition to the normal sick leave benefits to which employes are entitled under this section, public officials appointed under s. 62.51, Wis. Stats., the director of administration and the director of employee relations shall be credited with a special sick leave account of 30 sick leave days. This special account shall be available for use until such time as 30 regular sick leave days have accrued in the normal sick leave account. As normal sick leave account days accrue, the special sick leave account shall be reduced accordingly. Unused days in the special sick leave accounts shall not be considered in the computation of any applicable benefits, including pension benefits, retirement health insurance benefits, terminal leave benefits or sick leave incentive pay benefits.

**3. DOCTOR'S CERTIFICATE.** At any point during the employe's use of sick and disability leave, the department head may require a statement from a private physician or dentist certifying the nature and seriousness of the sickness or pregnancy-related disability, or a certificate of an authorized and recognized Christian Science practitioner certifying that the employe is under Christian Science treatment.

**4. CITY CONTRACT EMPLOYER.** Service for an employer holding a city contract shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation even though the person so serving may have his or her name included on a city payroll.

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5. QUALIFICATION. Any length of time during which an employee is on layoff, suspension, mandatory furlough or leave of absence, and any length of time not recognized by the annuity and pension board as accumulative of pension credit when the employee is a member of the annuity and pension system shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation

6. ELIGIBILITY. Accrual and use of sick and disability leave allowance shall begin immediately upon employment.

7. TRANSFER. Whenever an employee eligible for a sick and disability leave allowance leaves the service of one employing unit of city government and accepts, by certification or transfer, service in a position in another employing unit of city government, obligation for any accumulated sick and disability leave allowance shall be assumed by the new employing unit. Separation from the service by resignation or for cause shall cancel all unused accumulated sick and disability leave allowances. Whenever a permanent employee is laid off due to lack of work or lack of funds, any unused accumulated sick and disability leave shall continue in effect if the employee is rehired by any city department within one year. Sick and disability leave shall automatically terminate on the date of retirement of the employee or on the date an ordinary disability allowance under the retirement system becomes effective.

8. INJURY PAY. When an employee sustains an injury while within the scope of employment, as provided by ch. 102, Wis. Stats., and as determined by workers' compensation, the employee shall receive 66.67% of full salary as injury pay in lieu of workers' compensation for the period of time the employee is temporarily totally or temporarily partially disabled because of the injury, not to exceed 250 working days. In no case shall an employee receive injury pay for more than 250 working days during his or her period of employment with the city regardless of the number of compensable injuries. If time-off coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled upon return to service as approved by the department head. The injury pay benefit shall be administered consistent with the 3-day waiting period under ch. 102, Wis. Stats.

9. OPTION. Bodily injuries shall be recognized as cause for granting sick and disability leave when they are disabling. Any employee sustaining a compensable injury or contracting a compensable disease under the Wisconsin workers' compensation law shall have the option of accepting sick and disability leave benefits or accepting workers' compensation. This option, which shall be in writing, may be terminated without prejudice to temporary total or temporary partial disability benefits under the workers' compensation act thereafter, but the termination shall not be retroactive, and any sick and disability leave already used at the time of the termination of option shall not be restored to the employee.

10. BENEFITS. The sick and disability leave and injury pay benefits described in this section shall be interpreted as providing sick and disability leave and injury pay limited to the period of time an employee would have worked in accordance with assigned work schedules.

11. FIRE AND POLICE DEPARTMENT SICK AND DISABILITY PAY.

a. Fire and police employees reporting absent on sick leave shall be governed by the rules, regulations and standard operating procedures of the fire and police departments. Each instance of sick leave for which an employee fails to comply with the requirements shall result in the employee losing entitlement to any sick leave with pay for that instance.

b. Administration and control of this subsection shall be under the chief of fire or police, respectively.

c. Nonrepresented, noncivilian fire and police department management employees who use their accumulated sick leave credit and then are placed on duty disability retirement pension, all as a result of duty-incurred injuries, shall be entitled to have their unused sick-leave credit or 30 working days of sick leave with pay, whichever is greater, added to their sick-leave accounts upon returning to active service.

12. REFERENCE. Reference to sick leave in any other section of the code shall apply to sick and disability leave.

13. CITY SERVICE COMMISSION TO PREPARE RULES. The city service commission shall prepare rules and regulations, forms and procedures of reporting sick leave.

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**14. VIOLATIONS: PENALTY.** Willful violation of any provision of this section by any officer or employee, or willful making of any false report concerning illness or sick leave, shall subject the officer or employee committing the violation, or making the false report, to disciplinary action and shall be considered a cause for discharge, suspension or demotion, subject to the law and rules regulating these actions.

**15. SICK LEAVE CONTROL INCENTIVE PROGRAM.** As an incentive to eliminating abuse of sick leave and as a reward to employees with perfect attendance records, special incentive leave of up to 3 days per year with pay shall be granted to full-time employees who meet the following conditions:

a. For each trimester period for which an individual employee has not used any sick leave or injury leave or been absent because of disciplinary actions, the employee shall earn 8 hours of special incentive leave, provided that the employee has a minimum of 12 days sick leave accumulation in his or her account prior to the trimester period. An employee shall maintain eligibility for a trimester sick-leave benefit if he or she suffered a verifiable lost-time work-related injury and returned to work for the next regularly-scheduled work shift following the occurrence of the injury.

b. Special incentive leave time earned in trimester 1 may be used in trimester 2 or 3 of the same fiscal year; special incentive leave time earned in trimester 2 may be used in trimester 3 of the same fiscal year; and special incentive leave time earned in trimester 3 may be used in trimester 1, 2 or 3 of the following fiscal year.

c. Special incentive leave time shall be added to the vacation leave account of the employee as it is earned. Special incentive leave time shall be administered like vacation and shall be subject to scheduling approval by the department head. The employee may elect to take cash in lieu of time-off.

d. When special incentive leave time is used by or paid to an employee, there shall be no deduction from the employee's normal sick leave account balance.

e. The sick leave control incentive program shall be established and administered by the department of employee relations.

f. Payments made under the provisions of this program shall not be construed as being part of the employee's base salary and shall not be included in any fringe benefits. The payments shall not have any sum deducted for pension benefits, nor shall the payments be included in any computation establishing pension benefits or payments.

### **350-38. Terminal Leave Compensation (Unused Sick Leave).**

**1. ELIGIBILITY.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee in active service and employed by the city who retires under the provisions of the city's employees' retirement system, but excluding retirement on deferred or actuarially reduced pensions as they are defined under the system, shall upon retirement be entitled to a lump-sum payment under the terms and conditions provided in this subsection. The lump-sum payment shall be defined as terminal leave compensation.

**2. COMPENSATION.** An employee who is eligible for terminal leave compensation under sub. 1 shall upon retirement be entitled to a lump-sum payment equivalent to one 8-hour work shift's base pay for each one 8-hour work shift equivalent of the employee's earned and unused sick leave up to a maximum of 30 8-hour work shifts of pay except as otherwise required by law.

**3. ADMINISTRATION.** a. Terminal leave compensation shall not be construed as affecting an employee's pension benefits. Any payments made under this subsection shall not have any sum deducted for pension benefits nor shall the payments be included in establishing pension benefits or payments.

b. Terminal leave compensation benefits may be made as part of an employee's last regular paycheck upon normal retirement.

**4. RESTRICTION.** An employee shall be eligible for terminal leave compensation as set forth in this subsection, but in no event shall an employee be eligible for terminal leave on more than one occasion or from more than one position classification.

**350-39. Family and Medical Leave.** In accordance with the provisions of both the state family and medical leave act, s. 103.10, Wis. Stats., and the federal family and medical leave act of 1993, P.L. 103-3:

### **350-39-1 Employee Regulations And Benefits**

1. The director of employe relations shall issue policies and procedures to implement the state and federal family and medical leave acts and to coordinate the requirements of those acts with city leave policies and procedures.

2. The comptroller shall develop and establish record keeping practices for payroll and related functions to assure compliance with the state and federal family and medical leave acts. These practices shall include provisions for an employe to substitute sick leave for family leave under the state family and medical leave act.

3. The labor negotiator shall meet with appropriate bargaining unit representatives to advise the representatives about city leave policies and procedures and their relation to the state and federal family and medical leave acts.

SUBCHAPTER 4  
VACATIONS AND SHIFT DIFFERENTIAL

**350-40. Vacations.** 1. DEFINITIONS. a. Active service means the time spent as an appointed employee on the city payroll in a position qualifying for fringe benefits. For this time spent to count as active service for vacation purposes, the time, together with any authorized unpaid leaves of absence and mandatory furlough time, shall be continuous from the date of appointment. Active service shall also include the time an employee taking a military leave would have spent on the city payroll in a position qualifying for fringe benefits if he or she had not taken a military leave.

b. Anniversary date means the date an employe completes 12 months of active service in a position qualifying for fringe benefits following appointment to the city of Milwaukee. After completion of the first 12 months of active service an employe's anniversary date shall not change.

2. ELIGIBILITY. General vacation eligibility requirements shall be as follows:

a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee shall be eligible to receive vacation benefits immediately upon employment.

b. Usage of vacation shall be based on an annual pay period year.

3. TIME EARNED FOR ANNUAL VACATION PERIOD. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following time is earned for an annual vacation period:

a. Full Time Employees.

a-1. Full time employees, except the executive director of the employes' retirement system, the fire chief, the chief of police and public officials appointed under s. 62.51, Wis. Stats., and their deputies, shall earn vacation time on an annual pay-period-year basis in the following manner:

a-1-a. 3.7 hours per pay period for employes who have completed less than 4 years of active service.

a-1-b. 5.3 hours per pay period for employes who have completed at least 4 years but less than 9 years of active service.

a-1-c. 6.8 hours per pay period for employes who have completed at least 9 years but less than 14 years of active service.

a-1-d. 8.4 hours per pay period for employes who have completed at least 14 but less than 21 years of active service.

a-1-e. 9.9 hours per pay period for employes who have completed at least 21 years of active service.

a-1-f. 10.5 hours per pay period for employes who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1964.

a-1-g. 10.8 hours per pay period for employes who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1963.

a-1-h. Effective pay period 13, 2007, if it becomes necessary to recruit a fair labor standards act-exempt employee at a vacation rate above the minimum of 3.7 hours per pay period, the department of employee relations, with the concurrence of the chair of the committee on finance and personnel, may authorize vacation at the rate of 5.3 hours per pay period which will provide a third week of vacation. A listing of appointments made under this provision shall be provided to the committee on finance and personnel.

a-2. Public officials appointed pursuant to s. 62.51, Wis. Stats., as well as the executive director of the employes' retirement system, the fire chief and the chief of police, shall earn vacation time for a fiscal year on a pay period basis in the following manner:

a-2-a. Officials who have completed less than 9 years of active service shall earn 5.3 hours per pay period.

a-2-b. Officials who have completed at least 9 years but less than 14 years of active service shall earn 6.8 hours per pay period.

a-2-c. Officials who have completed at least 14 years of active service shall earn 8.4 hours per pay period.

a-2-d. Officials who have completed at least 21 years of active service shall earn 9.9 hours per pay period.

a-3. Employes holding positions represented by a certified bargaining unit will be governed by the schedule provided in the labor agreement between the city and their union.

## 350-40-4 Employee Regulations and Benefits

b. Part-time Employees. Employees who work an average of 20 hours per week on a year-round basis in a position which is budgeted as half-time or more shall be able to earn, according to their years of service as provided in par. a, vacation on a prorated basis.

c. Administration. c-1. The heads of departments, bureaus, authorities, commissions or other bodies under the control of the common council shall arrange and designate the earned vacation as provided in this subsection, except for those employees excluded from benefits under s. 350-237.

c-2. The amount of vacation time taken during a fiscal year, except for separation from service as provided in sub. 4 shall be limited to the maximum noted in par. a. These maximums are not guarantees; an employe is not entitled to any greater vacation with pay than that which he or she has earned.

4. **UNEARNED TIME DEDUCTIBLE.** Vacation taken before the full amount has been earned shall be considered time owed the city until it is earned. An employe who has completed one year of vacation eligible service may borrow up to 80 hours of vacation before it is earned. In no case may an employe's vacation account balance be less than 80 negative hours. Any employe who leaves the service of the city due to resignation, retirement, termination, discharge, lay off or death will have the compensation for vacation time owed the city deducted from the final paycheck. Any employe who leaves the service of the city due to resignation, retirement, lay off or death or who takes military leave will be paid for earned vacation time that has accumulated. Discharged employes are not entitled to pay for accumulated vacation time.

5. **MAXIMUM VACATION BALANCES.** The maximum amount of vacation employees can maintain in their vacation accounts shall be as follows:

a. 176 hours for employees who have completed less than 4 years.

b. 216 hours for employees who have completed 4 years of service but less than 9 years of service.

c. 256 hours for employees who have completed 9 years of service but less than 14 years of service.

d. 296 hours for employees who have completed 14 years of service but less than 21 years of service.

e. 336 hours for employees who have completed at least 21 years of service.

f. 352 hours for employees described in sub. 3-a-1-f.

g. 360 hours for employees described in sub. 3-a-1-g.

7. **REINSTATEMENT AFTER RESIGNATION.** When an employe who has resigned from the city service applies for reinstatement, the city service commission may grant that employe credit for prior service with the city for vacation purposes if the situation should warrant that action.

8. **DEPARTMENTAL APPROVAL.** Vacations may be divided into 2 or more periods if thought advisable by the respective department heads. The department heads shall determine when such vacation periods shall be granted, the practical considerations involved in the efficient operation of the department and give consideration to the convenience of the employes.

10. **VACATION RECORDS.** The director of employe relations, in checking payrolls or accounts of salaries and wages of officers and employes in the city departments, bureaus, authorities, boards, commissions or other bodies shall check and keep a record of the time allowed to employes for vacations and shall make certification to the comptroller that the total time allowed for vacation to any one employe during any fiscal year is in accordance with the vacation allowance set forth in this section. Where the vacation allowance with pay exceeds that set forth in this section, the director of employe relations shall withhold certification to such payrolls or accounts of salaries or wages in the manner provided in s. 350-112.

11. **ADMINISTRATION.** Uniform administration, interpretation and enforcement shall be vested in the director of employe relations, except that as to fire and police personnel, the fire and police commission shall have the same power and responsibility.

**15. POLICE AND FIRE DEPARTMENTS.**

a. Members of the Police Force.

a-1 Special Service Credit. Police department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

a-1-a Chief of police.

a-1-b Assistant chief of police.

a-1-c. Deputy chief of police.

a-1-d. Police commander.

a-2. Police Heroism. The chief of police is authorized to establish departmental rules in accordance with city ordinances for granting additional vacation and off-days to members of the police force who demonstrate outstanding merit in the apprehension of criminals and meritorious acts of heroism and bravery beyond the call of duty. No more than 14 additional off-days shall be granted to any one member of the police force in a calendar year.

a-3. The amount of vacation earned by a member of the police force in 1998 for use in 1999 shall be placed in a transitional vacation account (TVA). TVA hours may be scheduled with the approval of the chief. A member of the police force may not borrow vacation hours until all of his or her TVA hours have been exhausted.

b. Members of the Fire Department.

b-1 Special Service Credit. Fire department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

b-1-a Fire chief.

b-1-b Assistant fire chief.

b-1-c. Deputy chief of fire.

b-1-d. Battalion chief.

b-1-e. Chief dispatcher of fire alarm and telegraph.

b-2. Time Earned Per Week. Employees in active service during a fiscal year and whose normal hours of work exceed 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-2-a. 3.7 hours per pay period for employees who have completed fewer than 6 years of active service.

b-2-b. 5.6 hours per pay period for employees who have completed 6 years but fewer than 11 years of active service.

b-2-c. 8.4 hours per pay period for employees who have completed 11 years but fewer than 19 years of active service.

b-2-d. 10.2 hours per pay period for employees who have completed 19 years or more years of active service.

b-3. Employees on Injury Leave. An employee on authorized injury leave as a result of a duty-incurred injury may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-4. Employees on Sick Leave. An employee on authorized sick leave may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-5. Scheduling. The assignment and scheduling of vacations with pay shall be controlled by the fire chief.

b-6. Administration. Administration and control of this subsection shall be under the fire chief.

**350-42. Suburban Service to be Recognized When Municipality is Consolidated.**

Whenever employes of any suburban community are taken into the service of the city because of consolidation of municipalities, the length of time during which they have been employed by such suburban community shall be taken into account by determining eligibility for vacations, and for vacations of increased length, in like manner as though such service had been rendered to the city.

## 350-45 Employe Regulations and Benefits

### 350-45. Accrued Time-Off Donor Program.

1. ESTABLISHED. There is established a city-wide catastrophic illness leave donation program administered by the department of employe relations to provide income protection to eligible employes who have exhausted all paid leave and are suffering from a terminal or major catastrophic illness and are unable to work full time.

#### 2. DONATION RULES.

a. Employes interested in donating accrued time-off shall complete a "Notification Of Intent to Donate Time" form developed by the department of employe relations.

b. Each request to donate time shall specify only one employe to receive the donation. A separate "Notification Of Intent To Donate Time" form must be completed for each employe to whom time is being donated.

c. Employes may donate accrued time in whole-hour increments only.

d. The decision to donate time cannot be rescinded once the "Notification Of Intent To Donate Time" form has been received by the department of employe relations.

e. Employes donating time shall not have any accrued time returned if the employe to whom time is donated does not utilize the entire donation. The city shall take efforts to ensure that loss of donations due to non-utilization are kept to a minimum.

f. The employe donating time shall be notified by his or her department when the donation has been approved by the department of employe relations.

g. The types of leave eligible for donation shall be limited to vacation, compensatory time off and time-off in lieu of holidays.

h. Bargaining unit employes are ineligible to donate accrued time-off until such time their unions execute a memorandum of understanding that allows such donations.

3. RECIPIENTS' ELIGIBILITY CRITERIA AND RULES. a. Eligible employees may receive donations of 2,080 hours per illness from qualified city employees regardless of department or union affiliation

b. Employes qualified to receive donations of time, or their appropriate authorized agents, must complete an "Application for Accrued Time-Off Donor Program" form, which shall be available from the department of employe relations.

c. The employe, or his or her authorized agent, shall be responsible for completing the applications and obtaining a physician's statement certifying that the employe meets the program's medical requirements.

d. No determination regarding eligibility to receive donated time shall be made until the department of employe relations has received a completed application and physician's statement certifying that the employe is suffering from a terminal or major catastrophic illness. An employe shall not be eligible to receive accrued time unless and until he or she has exhausted all of his or her own accrued time-off. Although the decision of the department of employe relations respecting eligibility shall be final, employes who are denied this benefit shall be entitled to a written explanation as to why they did not qualify for participation in the program.

e. The city of Milwaukee reserves the right to require the employe to obtain, at his or her own expense, if not covered by the employe's health insurance provider, a second opinion from a physician of the employe's choice as to the nature of the physician's diagnosis and prognosis contained in the physician's statement.

f. Employes eligible to participate in the program and receive donations of time shall be so notified by the department of employe relations.

g. Donations of time shall be credited to a special account for the employe established by the city for this purpose. In the event the employe does not utilize the entire donation, any remaining time shall revert to the city. Donated time may only be used to cover absences during the period this policy is in effect. However, any employe previously approved under this section prior to the date of program expiration specified in sub. 6 shall be allowed to utilize this program for the maximum permissible hours identified in this subsection if such hours become available.

h. Employes receiving donations of time may request, in writing, to be notified of the names of employes who donate time for their use.

i. Payments received under this program are considered other income and, under current internal revenue service guidelines, are to be included in the employe's W-2 reporting.

**4. PARTICIPATION BY EMPLOYEE UNIONS.** a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, all city employees shall be eligible to participate in this program.

b. Disputes arising from the administration of this benefit shall not be subject to any challenge.

c. This program shall constitute the sole means by which employes may donate and receive time-off in cases of terminal or major catastrophic illness.

**5. WORKFORCE NOTIFICATION.** Upon confirmation of eligibility, and at the recipient employe's request, the department of employe relations shall provide each department with pertinent information regarding the recipient employe for the purpose of communicating the need for donations to other employes.

**6. REPORT.** The department of employe relations shall report quarterly to the finance and personnel committee of the common council detailing program administration and utilization, including the number of requests, approvals and denials.

**350-50. Shift, Weekend and Holiday Differential Compensation for City Employes.**

**1. AUTHORIZATION FOR SHIFT DIFFERENTIAL COMPENSATION.** This section establishes a standard of compensation which shall be applicable for employes working regularly at hours other than those to be considered as the usual daily working period, with certain exceptions, and such compensation shall be termed "shift differential compensation".

**2. APPLICABILITY.** The positions and departments named in this subsection shall be eligible for shift differential compensation, provided that the controlling principle in this listing of positions is the type of work performed and not the individual job classifications that are listed. Any employe who works a shift which is recognized in the department and activity listing in this subsection is eligible for shift differential compensation, provided the employe meets the conditions set forth in sub. 4.

a. **Neighborhood Services, Department of.** Employes in the building maintenance section who are assigned, on a regular basis, between the hours of 3 p.m. and 11 p.m. for the purpose of conducting emergency and fire prevention types of inspections.

b. **Data Processing.** Key punch operators and computer operators employed by the department of administration.

c. **City Development, Department of.** Technical and maintenance employes regularly assigned operating and maintenance duties on the 2nd and 3rd shift.

d. **Fire Department.** Employes performing custodial work in fire department buildings.

e. **Harbor Commission.** Operating division employes assigned to cargo handling and related harbor operations.

f. **Health Department.** Professional, subprofessional and maintenance staffs at clinic locations; nurses; office assistants and sanitarian positions.

g. **Library Board.** Librarians, library aides, clerks, some custodians, building maintenance and custodial work supervisors, mechanics and elevator operators and employes who are employed for an average of 20 hours per week.

h. **Municipal Court.** Employes in positions otherwise eligible who are assigned on a regular basis, between the hours of 3 p.m. and 11 p.m. in conjunction with the evening hours of the municipal court.

### 350-50-3 Employee Regulations and Benefits

i. Police Department. Early and late shift custodial and civilian clerical personnel and elevator operators at the police Headquarters building, to include employees which District Council 48 is certified to represent in the buildings and grounds division of the department.

j. Public Works, Department of.

j-1. Personnel directly assigned to emergency 2nd shift public works construction activities, as directed by the commissioner of public works.

j-2. Employees in the certified bargaining unit of the Milwaukee Building and Construction Trades Council.

j-3. Employees in the certified bargaining unit of Public Employees Union Local No. 61, LIU of NA, AFL-CIO, CLC.

j-4. Employees in the following positions:

j-4-a. Buildings services supervisors, bridge operators, night complaint clerks, most custodial, and some maintenance employees.

j-4-b. Public works inspectors employed on construction projects, and drafting technicians.

j-4-c. Tree spraying crews employed during summer months, a night fireman-watchman at the municipal nursery, personnel assigned as workers during the erection and display of the community holiday tree.

j-4-d. Night service maintenance and equipment operation personnel.

j-4-e. Asphalt plant watchmen, night emergency field personnel, field personnel in sewer maintenance assigned to 2nd or 3rd shift work.

j-4-f. Employees assigned to night patrol duty, including those being paid prevailing wage rates: electrical mechanics, electrical mechanic apprentices, electrical workers, electrical work trainees represented by the certified bargaining unit of Local No. 494, IBEW, AFL-CIO (Electrical Group).

j-4-g. Shift personnel working at the pumping stations, filtration plant and control center, employees of the distribution station assigned to night emergency duty, employees working as reservoir guards and personnel assigned to water buildings and grounds division.

3. DEFINITION OF SHIFTS. a. Shifts justifying shift differential compensation as provided in this section shall be identified as follows:

a-1. 1st shift - 7 a.m. to 3 p.m.

a-2. 2nd shift - 3 p.m. to 11 p.m.

a-3. 3rd shift - 11 p.m. to 7 a.m.

b. In order for an employee to be eligible for 2nd or 3rd shift premium rates, the employee shall be required to work not less than 4 hours of the regular workday in either the 2nd or 3rd shift, and when such employee satisfies that requirement, the employee's entire workday shall be compensated for at the shift differential compensation as set forth in this sub.

c. Paragraph b, as it relates to payment of 3rd shift premium, will not apply to employees in the classification of special equipment operator, while operating the power broom, whose regular workday starts at 4 a.m. These employees will be eligible for 3rd shift premium for the entire regular workday.

4. OTHER ELIGIBILITY REQUIREMENTS. Before shift, weekend or holiday differential compensation shall be made to an employee, the following requirements must be satisfied:

a. Except as provided in par. e, if an employee is absent on compensated leave (vacation, 09 days, holidays, sick leave or funeral leave) during a period in which the employee is assigned 2nd or 3rd shift work the employee's pay shall include any 2nd or 3rd shift premiums which the employee might normally be expected to receive, had the employee not been on such compensated leave. If an employee is absent on compensated leave (vacation, 09 days, holidays, sick leave or funeral leave) during a period in which the employee would normally be assigned weekend or holiday work, the employee's pay shall be at the base rate (without any premiums), except as already provided in this paragraph.

b. Employees being paid at overtime rates, due to any cause, shall not receive shift or weekend differential pay in addition for the same hours regardless of the period worked. Overtime work shall not be considered as eliminating pay for regular shift or weekend assignments which would have resulted in shift or weekend differential pay had the actual overtime hours not been worked.

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c. Employees working over and above their normal 40 hour week whether or not on the basis of monetary compensation for overtime, shall not be granted a shift or weekend differential for the additional hours. Where the regular work week schedule averages 80 hours in a 2 week period and no overtime pay is involved, this schedule for interpretation purposes of this section is considered as a normal 40 hour work week. When noncompensating overtime work is part of the regular work assignment, the actual overtime hours shall be applied to any time during the work week; it need not be applied to the last hours worked.

d. Employees holding positions in the city service compensated on the basis of hourly construction rates whose positions are not represented by the certified bargaining unit of Local 494, IBEW, AFL-CIO (Electrical Group); or by the Milwaukee Building and Construction Trades Council; or by the certified joint bargaining unit of Local 139, IUOE, AFL-CIO; or by Milwaukee District Council 48, AFSCME, AFL-CIO; and those in classes allocated to pay ranges 550 to 585, 622, 642 to 649, 785 to 790, and salary grades 4 to 20 of the salary ordinance shall not be eligible for differential payments regardless of the period during which the work is performed. However, librarian III positions shall be eligible for shift differential payments subject to the other provisions of this section. Part time nursing personnel shall be eligible for shift, weekend and holiday differential payments when they satisfy the other specified requirements for the differentials.

**5. SHIFT DIFFERENTIAL COMPENSATION RATES.** Shift differential compensation paid to employees qualifying under this section shall be in the following amounts:

a. Second Shift. A differential of \$0.28 per hour for management, nonrepresented employees and nonmanagement, nonrepresented employees. Effective pay period 17, 2001 this differential shall be \$0.40 per hour. Compensation for employees holding positions represented by a collective bargaining agreement shall be as provided by the labor agreement between the city and the union.

b. Third Shift. A differential of \$0.33 per hour for management, nonrepresented employees and nonmanagement, nonrepresented employees. Effective pay period 17, 2001, this differential shall be \$0.45 per hour. Compensation for employees holding positions represented by a collective bargaining agreement shall be as provided by the labor agreement between the city and the union.

**6. WEEKEND DIFFERENTIAL COMPENSATION RATES.** a. A differential of \$0.35 per hour shall be paid to employees enumerated in this subsection who are not represented by a collective bargaining agreement and who work Saturday on any of the 3 shifts as part of a regular schedule. Effective pay period 17, 2001, the Saturday differential for these employees shall be \$0.50 per hour. A differential of \$0.45 per hour shall be paid to employees enumerated in this subsection who are not represented by a collective bargaining agreement and who work on Sunday on any of the 3 shifts as part of a regular schedule. Effective pay period 17, 2001, the Sunday differential for these employees shall be \$0.60. The differential compensation rates for employees represented by a collective bargaining agreement shall be as provided by the labor agreement between the city and the union.

a-1. Employees specified in sub. 2 as eligible for shift differential compensation.

a-2. Employees in the police department in pay ranges 200 to 245, 300 to 350, 400 to 455, 480 and 490, 500 to 515 and salary grades 1 to 3 of the salary ordinance.

a-3. Laboratory employees of the water works at the Linnwood Avenue filtration plant.

a-4. Sanitation workers, city laborers, both regular and seasonal, in the operations division assigned duties as whitewingers on regular schedule to clean streets and green markets.

a-5. Service maintenance personnel in the operations division.

b. The compensation set forth in this subsection shall be termed "weekend differential" and shall be in addition to base pay and whatever 2nd or 3rd shift premium pay may be earned under provisions of this section.

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Saturday work as specified in this subsection is defined as any work performed between the hours of 12:01 a.m. Saturday and 12:01 a.m. the following Sunday. Sunday work as specified in this subsection is defined as any work performed between the hours of 12:01 a.m. Sunday and 12:01 a.m. the following Monday. The weekend differential paid for such Saturday and Sunday work shall be subject to the conditions of eligibility listed in sub. 4.

**7. HOLIDAY DIFFERENTIAL COMPENSATION.** A differential OF \$0.45 per hour shall be paid to employes who work holidays on any of the 3 shifts as a part of a regular work schedule, with the inclusion or exclusion of certain employes as specified in sub. 4-d with the exclusion of fire and police department personnel and bridge operators. Effective pay period 17, 2001, this differential shall be \$0.60 for eligible employes. A differential of \$0.40 per hour shall be paid to employes holding positions represented by Local 75 Plumbers, AFL-CIO. Holiday work as specified in this subsection is any work, except that which is provided for under s. 350-3, performed on a holiday as defined in s. 350-2-3. This differential shall be subject to the conditions of eligibility listed in sub. 4.

**8. WEEKEND DIFFERENTIAL BENEFITS FOR POLICE AIDES.** a. Employes Covered. Employes in the police department in active service in the position classification of police aide shall be covered by the provisions of this subsection so long as they remain in active service and within such classification.

b. Weekend Differential Compensation Rates. Employes covered by this subsection whose normal hours of work fall, in whole or in part, on Saturday or Sunday shall be entitled to receive, in addition to their base salary, a payment equivalent to \$0.30 per hour for each hour of work performed on Saturday, and \$0.40 per hour for each hour of work performed on Sunday. These payments shall be termed "weekend differential".

c. Administration. c-1. For purposes of this subsection, "normal hours of work" shall be as established and determined by the chief of police.

c-2. Weekend differential shall be paid on the basis of work performed computed to the nearest 0.1 of an hour.

c-3. Employes performing overtime work shall not be entitled to receive weekend differential.

c-4. The chief of police shall administer the provisions of this subsection.

**9. EXCLUSIONS.** Employes holding positions represented by the Association of Law Enforcement Allied Services Personnel (Clerical Unit and Police Aide Unit), Fire Equipment Dispatchers, Local #494, IBEW, AFL-CIO and the International Association of Machinists and Aerospace Workers, District No. 10, AFL-CIO, shall not be governed by the provisions of this section. Shift, weekend and holiday differential benefits for these employes will be provided by the labor agreement between the city and their union.

SUBCHAPTER 5  
UNIFORM AND CLOTHING ALLOWANCE

**350-90. Uniform and Clothing Allowance.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, uniform and clothing requirements shall be as follows:

1. PROCEDURE. The heads of all departments providing or requiring uniforms or uniform allowances shall:

a. Establish uniform and equipment requirements and specifications.

b. Determine items to be provided to employees.

c. Requisition these items through the procedure established by the department of administration, with the exception of the health department, division of public health services.

d. Establish procurement and inspection procedures for their respective departments.

2. EQUIPMENT. All equipment directly paid for out of city funds shall remain the property of the city and shall be properly cared for by the individual to whom issued and shall revert to the respective city department upon the employe's severance from service.

3. CITY PROPERTY. Specific items of the uniform which shall be determined by the head of the department shall remain the property of the city and shall revert to the respective city department upon the employe's severance from service unless the employe has served 18 months in uniformed status.

4. UNIFORM REPLACEMENT. The need for and timing of uniform replacement is at the discretion of the respective department head. Items damaged or destroyed in the line of duty shall be replaced or the employee compensated at the discretion of the respective department head.

5. MINIMUM DAYS' SERVICE. No payment shall be made for service in a uniformed status for any calendar month in which the employe is on the payroll for less than 14 days, exclusive of any mandatory furlough time. One full month's allowance shall be granted for service in a uniformed status in any calendar month during which the employe is on the payroll for 14 days or more. In the event of death of an employe of uniformed status, uniform allowance shall be paid for time

accrued, if this amounts to 14 days or more for the calendar month.

6. DEPARTMENTAL DISCRETION. At the discretion of the respective department heads, designated employes may not be granted a uniform allowance where circumstances render the situation inappropriate.

7. PAYMENTS NOT TO AFFECT PENSION. Payments made under this section shall not be construed as being part of the employe's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

**350-92. Police Department: Uniform and Clothing Allowance. 1. POSITIONS ELIGIBLE.**

Employes in active service and in the following position classifications shall be covered by the provisions of this section so long as they remain in active service, within these position classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Police commander.

2. REPLACEMENT ALLOWANCE.

Department members covered by this section shall be entitled to receive a clothing allowance of \$450 per year. Payment made under this subsection shall be paid in December of the year in which they were earned. Pro rata adjustment to the nearest calendar month on the basis of length of service will be made for eligible employes serving less than a full calendar year. For purposes of prorating, an employe on the payroll for at least 14 days in a calendar month shall be entitled to receive the payment provided under this subsection for that calendar month. An employe on the payroll for less than 14 days in a calendar month shall not be entitled to receive payments provided under this subsection for that calendar month.

3. UNIFORMS DAMAGED IN THE LINE OF DUTY. Members of the police force occupying the position classifications specified in sub. 1 shall be compensated for items of uniform and equipment prescribed by the police department which are directly or indirectly destroyed in the line of duty. In each instance, the chief of police shall determine the amount of compensation.

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4. APPLICABILITY. During a calendar month an employe shall not be entitled to receive uniform allowance benefits under both sub. 2 and a collective bargaining agreement.

**350-94. Safety Shoe Allowance.** Employees working in a classification which management has determined requires the wearing of approved safety shoes shall be eligible for the standard safety shoe allowance of \$125 annually for the reimbursement of the purchase of safety shoes. Payments made under this section shall not be construed as being part of an employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

**350-95. Safety Glasses Allowance.** The city shall provide eye protection or prescription safety glasses to all full-time active employees as required by the federal occupational safety and health administration and the city and as recommended by the American national standards institute. Under s. 340-23, the department of employee relations shall issue and enforce standards for authorizing safety glasses. The city is not responsible for the eye examination to obtain the prescription, the repair or replacement of glasses damaged due to non-work related activities or negligent use by the employee.

SUBCHAPTER 6  
SALARIES AND WAGES

**350-100. Salaries of Mayor and Members of the Common Council**

1. At the commencement of the 2008 term of office, salaries for the mayor, common council members and the common council president shall be increased by 2.4% over the rates in effect for the 4th year of the 2004-2008 term.

2. The mayor and common council members shall be subject to mandatory furloughs as may be imposed by common council resolution under s. 350-116.

**350-102. Rules of Uniformity of Compensation for Similar Service.**

Appropriations and payments of compensation or rates of wages provided for offices or employment in the city service shall be uniform for all offices or employment having substantially similar work requirements, duties, authority and responsibility, and similar requirements as to training and experience; and that the schedules and specifications of grade, titles and compensation of offices or employment when adopted by ordinance by the common council shall be the basis of employment control of all offices or employment in the city service.

**350-104. Prohibition of Additional Compensation.**

No person holding a position or employment in any department, bureau, institution, board or commission to which this chapter applies and for which a definite salary or wage has been appropriated or designated shall receive any extra salary or compensation in addition to that so fixed.

**350-106. Advancement from Grade to Grade.**

An increase above the maximum salary rate of an existing grade of position shall not be made except in case of increased duties or responsibilities which actually involve a change of position. Whenever the common council shall have advanced an office or employment in the classified service to a higher grade than theretofore existed and increased the salary thereof, no payment of such advanced salary shall be made to the officer or employe filling position until such time as certification has been made to the higher grade, in accordance with the city civil service act and rules.

**350-108. Biweekly Payment of Salaries and Wages.**

The salaries and wages of all city officers and employes shall be paid biweekly.

**350-110. Payrolls; Certificate to be Attached.**

There shall be affixed to payrolls or accounts of salaries or wages a certificate, made by the person preparing such payrolls to the effect that reports of the employment of the person or persons on said payrolls have been sent to the department of employe relations for recording such employment, and that there is a time record on file in said department, bureau or commission, certified by the person or persons having knowledge of the facts, showing the character of service and the exact time of employment of such person or persons, excepting department heads and other officers and employes within a department of whose time the head of the department and the director of employe relations deem it impracticable to keep an exact record, and that the distribution or division of the time of such person or persons on such payrolls is in accordance with such time record.

**350-112. Payroll Procedure.**

1. DEPARTMENT TO PREPARE. The heads of all departments, bureaus and commissions shall prepare their several payrolls or accounts of salaries and wages in accordance with the schedules and specifications for personnel service adopted by the common council. Said heads of departments, bureaus and commissions shall arrange to have payrolls or accounts of salaries and wages sent directly to the office of the department of employe relations for check and certification. Department heads shall, in advance of transmission of payrolls and accounts of salaries and wages, report all changes affecting employment in offices and positions under the jurisdiction of the department of employe relations on blank forms, provided by the office of the department of employe relations; the office of the department of employe relations shall forward to the city comptroller such payrolls or accounts of salaries or wages of officers or employes whose title and compensation conform to the titles, specifications and compensation grades fixed by the common council.

2. VERIFICATION. After schedules and specifications of grades and titles of offices and employment have been adopted by the common council, the city service commission shall withhold such certifications to such payrolls or accounts of salaries or wages which are not in conformity with such schedules; supplementary payrolls, with corrected items, shall be prepared for check and certification by the office of the city service commissioners before transmission to

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the city comptroller's office; and no payroll or account of salaries or wages shall be received or moneys authorized or paid by the city comptroller, city treasurer, or any other city authority for services of any officers or employes unless such payroll or account of salaries or wages bears the certification of the office of the city service commissioners.

### **350-114. Salary Changes to be Referred to the Finance and Personnel Committee.**

1. POSITION TO BE INVESTIGATED. All salary ordinances and resolutions and all requests for additions and changes in the specifications for personnel service shall be referred to the committee on finance and personnel for investigation and report. In all such salary ordinances and resolutions or reports of the creation of new positions or of changes in existing positions there shall be included only those standard titles adopted hereby and included in the specifications for personnel service set forth in Schedule A or such as shall be approved hereafter by the city service commission and shall have been certified to the common council by the said commission as properly descriptive of the duties to be performed and as conforming to the standard services, grades and titles, and to the compensation rates approved as a guide only in determining and revising salary ordinances provided in the specifications for personnel service.

2. APPROVAL REQUIRED. In recommending to the common council the fixing of salaries of positions, the committee on finance and personnel shall certify that the titles of such positions have been approved by the city service commission and that the positions have been properly classified. No title so prescribed shall be changed except on recommendation of the city service commission and approval or disapproval by the committee on finance and personnel whose report shall be submitted to the common council for final action.

### **350-116. Mandatory Unpaid Furloughs.**

1. APPROVAL BY COMMON COUNCIL RESOLUTION. The common council may by resolution impose mandatory furlough time for city officials and employes.

### **2. POSITIONS AFFECTED.**

a. Mandatory furloughs shall apply to all city employe positions, regardless of funding source, pursuant to sub. 3.

b. The city attorney, city comptroller, city treasurer and municipal court judges shall be subject to mandatory furloughs.

3. FURLOUGH GUIDELINES. The department of employe relations shall issue furlough policy guidelines for city departments as necessary to administer the implementation of mandatory furlough programs

4. To the extent any provision in the city salary ordinance, the city charter or Milwaukee code of ordinances, including but not limited to sections 36-04-1; 350-25-c-3; 350-35-3-a, 5-a and c-3; 350-36-2-a-6, 3 and 4; 350-37-0, 8-a-1, 12-b-2 and d-2, and 13-b-2; 350-40-1-a; 350-90-5; 350-132-5-c; 350-133-3-b-2; 350-145-5-a; 350-150-3-b; 350-151-3-a; 350-152-3-a; and 350-181-11, should address or specify the impact of unpaid furloughs upon the wages, hours, or conditions of employment of represented employes, any such provision, insofar as it shall apply to represented employes, shall be subject to, and its application and effects may be modified or nullified through, impact bargaining with the duly authorized representatives of such employes in accordance with the requirements of the Wisconsin Municipal Employment Relations Act. Approval of the common council is required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employes if the term is inconsistent with and more beneficial than a corresponding furlough-related term specified for the particular group in a provision of the charter or code, and for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employes that addresses a new issue involving the impact of furloughs upon wages, hours, or conditions of employment that is not addressed in any manner for the particular group in a provision of the charter or code; however, common council approval is not required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employes if the substantive term is identical or less beneficial to the affected represented employes than corresponding terms that have been approved by the common council for the majority of the city's nonrepresented employes.

**SUBCHAPTER 7  
FIRE AND POLICE EMPLOYES**

**350-131. Holiday Premium Pay.** 1. Police officers not covered by a labor contract assigned by police department administration to duty on January 1, July 4, the first Monday in September or December 25 shall be compensated in cash at a rate of 1.5 times their base salary rate for all such duty, computed to the nearest tenth of an hour. Such compensation shall not extend to any other calendar date on which New Year's Day, Independence Day, Labor Day or Christmas may be officially observed.

4. Application of the provisions enumerated herein shall not involve pyramiding of the compensation described herein. No employe shall receive overtime benefits and/or shift or weekend differential benefits in addition to holiday premium pay.

5. Any payment made in addition to the employe's base rate of pay under the provisions of this section shall not have any sum deducted for pension benefits nor shall such payments be included in determining pension benefits or other fringe benefits.

6. Administration and control of the provisions of this section shall be under the chief of police.

**350-132. Certification Pay.** 1. EMPLOYES ELIGIBLE. Employes in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

- a. Chief of Police.
- b. Assistant chief of police.
- c. Inspector of police.

2. COMPENSATION. a. An employe in active service and occupying a position classification in sub. 1 who is deemed certified as being qualified to be a law enforcement officer in the state of Wisconsin by the law enforcement standards board (LESB) as of the close of a calendar year shall be entitled to receive a \$600 payment termed "certification pay." Once LESB certification has been established during a calendar year, an employe must maintain that certification for the balance of such calendar year in order to receive certification pay benefits for that calendar year.

b. An employe retiring on normal pension, or resigning voluntarily from the police department, and who was LESB-certified at the time of such retirement or resignation shall be entitled to the benefits provided by par. a prorated on the basis of his or her active service in the calendar year he or she retired, computed to the nearest calendar month. For purposes of prorating, an employe on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employe is on the police department payroll less than 14 days in a calendar month, then the employe shall be deemed as not having been on the payroll at all during the calendar month. For purposes of determining eligibility for the benefits provided in par. a, years of service shall be computed as of the effective date of the employe's retirement or voluntary resignation. Payments earned shall be made as soon as is administratively practicable after the employe's retirement or voluntary resignation.

3. Except as provided in sub. 4, payments made under this section shall not be included in the determination of overtime compensation or any other fringe benefits.

4. Employes who retire from active service shall have their certification pay benefits included in final average salary for purposes of computing their service retirement allowances. For purposes of interpretation and construction of this section, the certification pay benefit the employe is entitled to include in the final average salary computation shall be an amount equal to the certification pay payment the employe received for December 31 of the calendar year immediately preceding the employe's effective date of retirement.

5. An employe on a military leave of absence for performance of duty as a member of the state of Wisconsin national guard or reserve component of the armed forces of the United States shall be eligible for certification pay benefits for a calendar year prorated on the basis of the employe's active service with the department in that calendar year subject to the following:

a. The military leave is a result of being called to, or volunteering for, active duty under the authority granted to the president of the United States or the congress of the United States for a period of more than 30 calendar days.

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b. Prorated certification pay shall be calculated as of the effective date the employe separated from active service with the department and began his or her unpaid military leave of absence.

c. For purposes of prorating certification pay benefits, an employe on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employe is on the payroll less than 14 days in a calendar month, exclusive of any mandatory furlough time, then the employe shall be deemed as not having been on the payroll at all during the calendar month.

### 350-133. Variable Shift Assignment Pay.

1. EMPLOYES ELIGIBLE. Employes in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Police commander.

2. COMPENSATION. a-1. An eligible employe in active service and occupying a position classification in sub. 1 on December 31 of a calendar year shall receive \$1,050 for that calendar year. Effective with calendar year 2000 payments, this amount shall be increased to \$1,150.

a-2. Effective with calendar year 1997, an employe with at least 20 years of active service as a law enforcement officer in the police department on December 31 of a calendar year shall be entitled to receive \$250 per calendar year in addition to the amount the employe is entitled to receive under subd. 1. Payment of this additional \$250 shall be first effective for eligible employes in active service as of December 31, 1997.

b. An employe who commences receiving a normal service retirement allowance during a calendar year shall receive an additional \$350 supplemental to the payment provided in par. a for the calendar year immediately preceding the calendar year in which the employe retired. The employe shall also receive an amount equal to the amount to which he or she is entitled to under par. a for the calendar year in which the employe retired, prorated on the basis of active service in the calendar year of retirement.

c. An eligible employe who separates from active service on account of voluntary

resignation during a calendar year shall receive the amount provided in par. a, prorated on the basis of the employe's active service while covered by this section during the calendar year in which the employe's separation occurred, computed to the nearest calendar month.

3. ADMINISTRATION. a. Except for employes who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employes must be in active service and covered by this section on December 31 of a calendar year in order to be eligible for that calendar year's variable shift assignment pay payment.

b. Payments made under this section shall be made as soon as it is administratively practicable following the date on which entitlement is established. In the case of an employe who commences a normal service retirement allowance in a calendar year, the supplemental amount provided in subpar. 2-b shall be paid after the employe's effective retirement date. Prorated payments made under this section shall be determined as follows:

b-1. An employe covered by this section and in active service for at least 14 days in a calendar month shall be deemed as having been covered by this section and in active service for the full calendar month.

b-2. If the employe is covered by this section and in active service for less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employe shall be deemed as not having been covered by this section and in active service at all during the calendar month.

c. Except as provided for by ss. 35-01-60, 35-04-1, 36-02-12 and 15 and 36-08-7-b of the Milwaukee city charter, payments made under this section shall not be construed as being part of the eligible employe's base pay and shall not be included in the computation of any fringe benefit owing to the employe from any source.

d. For purposes of interpretation and construction of this section the variable shift assignment pay benefit to which the employe is entitled to include in his or her final average salary computation shall be an amount equal to the variable shift assignment pay payment the employe received for the calendar year immediately preceding the employe's effective date or retirement, but excluding any amount the employe received under par. a-2.

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e. Variable shift assignment pay payments are compensation for and in recognition of the city's sole and unrestricted right to vary from time to time and without advance notice the starting time of an employe's regularly scheduled 8-hour shift assignment or the day on which such regular shift assignment occurs. Variable shift assignment pay payments are in lieu of any other compensation for the city's retention of this right, including, without limitation, any "out-of-shift" pay premium.

### **350-134. Interpreter/Translator Pay.**

1. POSITIONS ELIGIBLE. Employes in active service on or after August 6, 1989, and in the following position classifications shall be eligible for the compensation provided for under this section, subject to the terms and conditions established in this section therefor:

- a. Chief of police.
- b. Assistant chief of police.
- c. Inspector of police.

2. WHEN REQUIRED. The chief of police is authorized to direct employes under sub. 1 to perform interpreter/translator duties consistent with employes' capabilities for such duties and the needs of the police service. Employes shall perform authorized interpreter/translator duties as a result of:

- a. Direction from the employe's commanding officer; or
- b. The employe's response to a request for an interpreter/translator broadcast over the police department radio network. If more than one employe responds to such a request, only those employes actually needed to perform interpreter/translator duties shall be entitled to receive interpreter/translator pay.

3. COMPENSATION. An eligible employe shall be entitled to receive premium pay, termed "interpreter/translator pay", equal to \$1.00 per hour in addition to his or her base salary for each actual hour or nearest 0.1 of an hour spent performing interpreter/translator duties. Interpreter/translator pay shall be compensated at a flat rate of \$1.00 per hour irrespective of whether the employe is in premium pay status.

4. ADMINISTRATION. a. Interpreter/translator duties eligible for compensation shall be limited to authorized duties performed by the employe involving interpretation or

translation of a language other than English at a level of competence deemed acceptable to the police department. Such "other languages" comprise the following non-English languages currently recognized by the police department:

- a-1. American Sign.
- a-2. German.
- a-3. Greek.
- a-4. Italian.
- a-5. Kurdish.
- a-6. Polish.
- a-7. Russian.
- a-8. Spanish.

b. An employe possessing interpreter/translator ability in a non-English language that is not listed above may at any time file a written request with the department to add that language to the list.

c. Interpreter/translator pay payments to employes entitled to receive them shall be made quarterly during the calendar year on such dates after August 6, 1989, as the police department shall prescribe.

d. Interpreter/translator pay shall only be granted when an employe is actually performing interpreter/translator duties and shall not be granted when an employe is directed to perform other duties.

e. Payments made under this section shall not be construed as being part of an employe's base pay and shall not be included in the computation of any fringe benefits of the employe.

f. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in the determination of pension benefits or other fringe benefits.

### **350-135. Automobile Usage for Nonrepresented, Noncivilian Police Department Management Employes.**

1. EMPLOYES ELIGIBLE. Employes in active service and in the following position classifications shall be covered by this section as long as they remain in active service and within such classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Inspector of police.

2. USE OF PRIVATE VEHICLES. a. An employe may, at the employe's option, use the employe's privately owned vehicle for

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departmental business only under express authorization from the employe's commanding officer. When such use is authorized, the city will indemnify the employe for any property damage sustained by the employe's automobile and shall represent the employe and be responsible for any judgment, damages and costs entered against the employe for acts arising out of the employe's official capacity while acting within the scope of the employe's employment.

b. When an employe is authorized by the employe's commanding officer to use the employe's private vehicle on departmental business, in accordance with departmental procedures established for that purpose, and the vehicle sustains damage during such use, the employe shall submit a written report of the damage to the employe's commanding officer before the end of the workshift in which the damages occurred. The report shall include a description of the damages, the date and time of occurrence and the cause. Reasonable amounts of damages from causes other than negligence of the employe will be reimbursed by the city, provided the employe submits documentation of such costs to the employe's commanding officer no later than 7 calendar days following the occurrence of the damages.

#### 350-137. Police Educational Program.

1. POSITIONS ELIGIBLE. The following classes of positions in the police department shall receive additional compensation for the completion of approved course work subject to the conditions of this section:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Inspector of police.

2. INCREMENTS. Annual payment for the completion of approved course work shall be as follows:

- a. \$95 per year for officers with at least 16 credits, but less than 28 credits.
- b. \$145 per year for officers with at least 28 credits, but less than 40 credits.
- c. \$195 per year for officers with at least 40 credits, but less than 52 credits.
- d. \$245 per year for officers with at least 52 credits, but less than 64 credits.

e. \$295 per year for officers with at least 64 credits, but less than 90 credits; or if eligible employe possesses an associate degree.

f. \$370 for officers with at least 90 credits, but less than 120 credits.

g. \$470 for officers with 120 or more credits, but not possessing a bachelor's degree; \$750 per year for a bachelor's degree.

h. No employe may receive more than \$770 of educational pay for a calendar year regardless of the number of degrees and credits earned; no employe may receive more than \$470 of educational pay for a calendar year unless the employe holds a bachelor's degree.

3. EFFECTIVE DATE. These payments shall be made on an annual basis as soon as possible after December 31 of the current year. Officers who attain the required educational credits during the calendar year shall be paid a prorated amount from the first pay period after the educational courses are completed and reported to the police department to December 31 of the appropriate year.

4. FULL YEAR'S EMPLOYMENT. No officer shall receive an educational bonus payment for any year in which he does not remain in the employment of the police department, for a full calendar year.

5. MINIMUM YEARS OF SERVICE. No officer will be eligible for an educational bonus payment unless he or she has a minimum of 5 years' service in the police department with a rank of police officer or above.

6. ADDED TO BASE SALARY. Educational bonus payment shall be in addition to the base salary of the position eligible for such payments. These payments shall not be used in the calculation of overtime pay or in the calculation of pension benefits.

7. APPROVED COURSES. Approved courses of study for which payment will be made under this section are courses in which credit has been successfully earned from one of the following regional accreditation associations: North Central Association of Colleges and Schools; Middle States Association of Colleges and Schools; New England Association of Schools and Colleges, Inc.; Northwest Association of Colleges and Schools; Southern Association of Colleges and Schools; Western Association of Schools and Colleges.

8. DEGREES. Police officers who have earned a degree shall request that the degree-granting collegiate institutions send a report to the police department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was a member in good standing of an association listed in sub. 7 at the time the degree was granted.

9. TRANSCRIPT COSTS. Any transcripts or credits or evaluation thereof shall be at the expense, if any, of the applying police officer.

10. OFFICER RESPONSIBLE. Each eligible police officer shall be responsible for making the necessary requests of collegiate institutions for the purpose of informing the Milwaukee police department as to the number of credits that apply on the above described educational bonus payments plan.

11. ADMINISTRATION. Administration and control of the provisions enumerated herein shall be under the chief of police.

**350-143.** Fire Department Hours of Work. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the fire chief shall determine the hours of work for fire department employees.

**350-145. Fire Department Holiday Compensation.** 1. ELIGIBILITY. Eligible fire department employes in active service and in the following position classifications shall be eligible for the benefits provided under this section as long as they remain in active service and within such classifications:

- a. Relief shift supervisor.
- b. Assistant chief dispatcher of fire alarm and telegraph.
- c. Chief dispatcher of fire alarm and telegraph.
- d. Motor vehicle operator instructor.
- e. Battalion chief, fire.
- f. Deputy chief, fire.
- g. First assistant chief engineer.
- h. Chief engineer, fire.

2. FIRE FIGHTING DIVISION. While assigned to the fire fighting division of the fire department, an eligible employe shall be entitled to 24 hours off per calendar year in lieu of duty off on legal holidays.

3. BUREAU OF FIRE COMMUNICATIONS. Employes in the position classifications of chief dispatcher of fire alarm and telegraph and assistant chief dispatcher of fire alarm and telegraph shall receive eight 8-hour work days off per calendar year in lieu of duty time off on legal holidays. The 8 holidays shall be scheduled by the fire chief. Effective in calendar year 1988, employes shall be eligible for one additional 8-hour day in recognition of Dr. Martin Luther King which will be scheduled by the employe in accordance with the needs of the bureau of fire communications.

4. BUREAU OF INSTRUCTION AND TRAINING AND BUREAU OF ADMINISTRATION. While assigned to the bureau of instruction and training or the bureau of administration, an eligible employe shall be granted up to ten 8-hour work days off per calendar year in lieu of duty time off on legal holidays. The employe shall also be granted up to an additional two 8-hour work days off per calendar year if he or she was on the payroll, on leaves of absence, or working toward year-around employment, as of January 1, 1963, and up to an additional two 8-hour work days off per calendar year he or she was on the payroll, on leave of absence, or working toward year-around employment as of January 1, 1964. Effective in calendar year 1988, employes shall receive Dr. Martin Luther King day as an 8-hour holiday.

5. ADMINISTRATION. a. Earning of Holiday Compensation. All time off that fire department employes are eligible to receive under subs. 2 to 4 shall be taken in the calendar year in which it was earned. Time off shall be earned at a rate of 1/12 of the time off per calendar year for each calendar month during the calendar year the employe was on the fire department payroll. For purposes of interpretation of this provision, an employe on the fire department payroll for at least 14 days in a calendar month shall be deemed as having been on the fire department payroll for the full calendar month. If the employe is on the fire department payroll for less than 14 days in a calendar month, exclusive of any mandatory furlough time, then the employe shall be deemed as not having been on the payroll at all during such calendar month.

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b. Pro rata Credit for Holiday Compensation. Employees assigned to work in more than one of the categories set forth above in subs. 2 to 4 during the course of a calendar year shall receive the time off specified under each such category prorated on the basis of the time spent in such category during the calendar year.

c. Unused Holiday Compensation. An employe on authorized injury leave as a result of a duty-incurred injury may use holiday off time scheduled during the period of such leave provided the employe notifies his or her supervisor orally of this fact prior to the start of such holiday time off. An employe on authorized injury leave as a result of a duty-incurred injury not using holiday off time scheduled during the period of the employe's leave, because he or she did not make a request for it, shall have his or her unused holiday off time rescheduled by the fire department administration when the employe returns to duty if it is possible to do so before the end of the calendar year. In the event the fire department administration is unable to reschedule all of the employe's remaining unused holiday off time before the end of the calendar year, the employe shall be entitled to receive a lump-sum payment equivalent to the dollar value of the remaining unused holiday off time at the end of the calendar year, computed on the basis of the employe's hourly base salary rate in effect at the time for which the holiday off time was originally scheduled. This lump-sum payment shall be made as soon as is administratively practicable following the end of the calendar year. The lump-sum payment shall not be construed as being part of the employe's base salary and shall not be included in the computation of any fringe benefits. The lump-sum payment shall not have any sum deducted for pension benefits nor shall it be included in any computation establishing pension benefits or payments. When authorized by the fire department administration, an employe may elect to carry over into the next succeeding calendar year any remaining unused holiday off time that the fire department administration was unable to reschedule by the end of the calendar year, instead of the lump-sum payment provided for above. The scheduling of carried-over holiday off time shall be subject to availability of the dates requested by the employe, require prior approval by the employe's supervisor and in no way affect the scheduling of other employe holiday off time.

The provisions of this subsection shall become effective on January 1, 1984, for holiday time occurring on or after that date. Prior to that date, existing departmental practices shall apply.

### 350-147. Fire Company and Battalion Staffing.

1. DEPUTY CHIEF STAFFING IN THE FIREFIGHTING SERVICE DIVISION. When the chief engineer, fire, determines that there is an operational deficiency in the normal on-duty staffing for deputy chief, fire, in the firefighting service division command on a Saturday, Sunday or holiday, he or she may assign a deputy chief, fire, from any bureau to fill the vacancy. Compensation for such assignment shall be at the employe's base rate of pay.

2. BATTALION CHIEF STAFFING. When the fire chief determines that there is an operational deficiency in the normal on-duty staffing for battalion chief exceeding 2 positions, the first such assignment shall be underfilled by a captain, the 2nd assignment to be filled by a battalion chief and the 3rd assignment underfilled by a captain. These assignments are only as designated, assigned or authorized by the fire chief. Compensation for such assignment shall be at the employe's base rate of pay.

3. PAYMENTS. Any payments earned under the provisions of this section shall not be considered in computing pension or other employe benefits. Members of the department on trade shall not be eligible for such assignment; except that the chief or a designee may permit an employe on trade to perform such an assignment when the chief deems it appropriate.

4. ADMINISTRATION. Administration and control of the provisions of this section shall be under the chief engineer, fire, who may, as he sees fit, in an emergency situation, suspend these provisions.

5. EFFECTIVE DATE. The terms and conditions set forth in subs. 1 to 4 shall be deemed to take effect and be in force from and after December 30, 1973.

**350-149. Fire Department: Educational Program. 1. POSITIONS ELIGIBLE.**

Employees in active service and in the following position classifications shall be eligible for annual educational program payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classifications:

- a. Battalion chief classifications.
- b. Deputy chief, fire.
- c. Assistant fire chief.
- d. Fire chief.

**2. BENEFITS.** a. An eligible employe who has attained an associate degree in fire science and technology shall receive an annual educational program payment of \$225 according to the terms and conditions set forth in sub. 3. Furthermore, for calendar year 2006 payments, an employe who is a registered nurse and whose education is less than a bachelor's degree shall receive \$225; however, no payment shall be provided unless such employe possesses a current registered nurse license.

b. An employe who has a bachelors degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employe relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant, shall be eligible for an annual payment of \$325, subject to the terms and conditions set forth in sub. 3.

c. An eligible employe who has attained a masters degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employe relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant shall be eligible for an annual payment of \$425, subject to the terms and conditions set forth in sub. 3.

d. An employe who is eligible for more than one of the educational program payments provided in pars. a to c in a calendar year shall only be entitled to receive the largest of the payments for that calendar year.

**3. ADMINISTRATION.** a. Only degrees from colleges and universities accredited by the North Central Association of Colleges and Secondary Schools, and effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges shall be eligible for the payments provided in sub. 2.

b. Educational program payments shall be made as soon as is administratively practicable following the close of the calendar year in which eligibility therefor is established. No payments will be made to an employe for any calendar year in which the employe did not remain in the employment of the fire department for the full calendar year. An employe who attains the required degree during the calendar year shall be paid a prorated amount from the first pay period after the date the degree is awarded to December 31 of that calendar year.

c. Educational pay shall not be used in the calculation of overtime pay or in the calculation of pension benefits. Any payment made under this section shall not have any sum deducted for pension benefits, nor shall such benefits be included in the determination of pension benefits or other fringe benefits.

d. An employe who has earned a degree pursuant to this section shall request that the degree-granting institution send a report to the fire department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was accredited by the North Central Association of Colleges and Secondary Schools, or effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges at the time the degree was granted.

e. An employe shall be responsible for making the necessary requests of the educational institution for the purpose of informing the fire department as to the attainment of a degree and shall be responsible for any costs associated therewith.

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f. Administration and control of this section shall be by the fire chief and the city.

**350-150. Recall Allowance.** 1. POSITIONS ELIGIBLE. Employes in active service at the close of the calendar year and in the following position classifications shall be eligible for annual recall allowance payments provided under this section in accordance with the terms and conditions established so long as they are in active service and in such classifications:

- a. Battalion chief classifications.
- b. Deputy chief, fire.

2. COMPENSATION. Effective for calendar year 2003, an eligible employe shall receive an annual allowance of \$850.

3. ADMINISTRATION. a. Payments made under this section shall be paid as soon as practical after December 31 of the year in which they were earned.

b. An employe who separates from active service during a calendar year on account of voluntary resignation or normal service retirement shall receive recall pay prorated on the basis of active service during such calendar year, computed to the nearest month. For the purpose of prorating, an employe in active service at least 14 days in a calendar month, shall be considered to have been in active service for the entire month. An employe in active service less than 14 days in a calendar month, exclusive of any mandatory furlough time, shall be considered not to have been in active service at all for such calendar month.

c. Payments made under this section shall not be construed as part of an employe's base salary and shall not be included in the computation of any fringe benefit.

d. Payments made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments

e. Administration and control of this section shall be by the city.

### **350-151. Fire Department: Special Unit Pay.**

1. POSITIONS ELIGIBLE. Employes in active service and in the following position classifications shall be eligible for annual special unit payments provided under this section in accordance with the terms and conditions established therefor, so long as they are in active service and in such classifications:

a. Assistant chief dispatcher of fire alarm and telegraph.

b. Chief dispatcher of fire alarm and telegraph.

c. Battalion chief, vehicle operations.

d. Battalion chief, fire.

e. Deputy chief, fire.

f. First assistant chief engineer.

g. Fire chief.

2. COMPENSATION. a. An eligible employe assigned by the fire chief to any of the following special teams shall receive an amount in addition to base salary equivalent to \$240 per year: scuba diving team; hazardous materials response team; and heavy urban rescue team. An employe may not receive more than \$240 per year regardless of the number of special units the employe may belong to at any one time.

b. Notwithstanding par. a, 2 employes designated by the fire chief as members of the hazardous materials response team shall each receive, in addition to base salary, annual compensation equivalent to \$500.

3. ADMINISTRATION. a. Payments made under this section shall be paid as soon as practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of service on the hazardous material response team will be made for an employe who was assigned to the team for less than a full calendar year. For purposes of prorating, an employe assigned to the hazardous material response team for at least 14 days in a calendar month shall be deemed as having been assigned to the team for the full calendar month; in the event the employe is assigned to the team for less than 14 days in a calendar month, the employe shall be deemed as not having been assigned to the team at all during the calendar month.

b. Notwithstanding par. a, special pay for hazardous material response team members may be paid on the last payroll check to eligible employes who leave the service of the city or to eligible deceased employes if the city determines it is administratively practicable to do so.

c. Payments made under this section shall not be construed as being part of employes' base pay and shall not be included in the computation of any fringe benefit.

d. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments.

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e. Payments under sub. 2-b shall cease in the event the state of Wisconsin eliminates or reduces its fundings to the city for regional hazardous materials response services.

f. Special pay for hazardous material response team members under sub. 2-b shall first become effective for calendar year 1995, with the payments for 1995 made as soon as administratively practicable. Payments under sub. 2 for 1996 and thereafter shall be made as soon as practicable after December 31 of the year for which they are earned.

g. Administration and control of this section shall be by the city.

**350-152. Fire Department: Special Emergency Medical Technician Pay.** 1. POSITIONS ELIGIBLE. Employees in active service and in the position of fire chief shall be eligible for annual special emergency medical technician payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classification.

2. COMPENSATION. Employees who have attained and maintained state-certified emergency medical technician-1 status shall receive an amount in addition to base salary equivalent to \$750.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served in emergency medical technician-1 status shall be made for those employees who have held emergency medical technician-1 status for less than 1 calendar year. For purposes of prorating, an employee who has held emergency medical technician-1 status for at least 14 days in a calendar month shall be deemed as having held emergency medical technician-1 status for the full calendar month; in the event an employee has held emergency medical technician-1 status less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having held emergency medical technician-1 status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth

in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service on December 31 of a calendar year in order to be eligible for that calendar year's payment.

d. Except as provided in par. e, payments made under the provisions of this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefit.

e. An employee in active service who retires on a normal pension shall have his or her special emergency medical technician pay to a maximum of \$550 included in final average salary for purposes of computing his or her normal service retirement allowance. For purposes of interpretation and construction of this section, the special emergency medical technician pay benefit to which the employee is entitled to include in the final average salary computation shall be equal to the special emergency medical technician pay payment the employee received for the calendar year immediately preceding the employee's effective date of retirement to a maximum of \$550.

f. Administration and control of this section shall be by the city.

### 350-152.5. Fire Department: Special CPR Pay.

1. POSITIONS ELIGIBLE. Effective in calendar year 2000, employees in active service and in the following classifications shall be eligible for annual cardiopulmonary resuscitation (CPR) payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classifications:

- a. First assistant chief engineer.
- b. Deputy chief, fire.
- c. Battalion chief classifications.

2. COMPENSATION. Employees who have successfully completed an approved course in CPR shall receive an amount in addition to base pay equivalent to \$200.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on

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the basis of time served as CPR qualified shall be made for those employes who have held CPR qualified status for less than 1 calendar year. For purpose of prorating, an employe who has held CPR qualified status for at least 14 days in a calendar month, exclusive of any mandatory furlough time, shall be deemed as having held CPR qualified status for the full calendar month; in the event an employe has held CPR qualified status less than 14 days in a calendar month, the employe shall be deemed as not having held CPR qualified status at all during the calendar month.

b. An employe who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employes who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employes must be in active service on December 31 of a calendar year in order to be eligible for that calendar year's payment.

d. Payments made under the provisions of this section shall not be construed as being part of an employe's base pay and shall not be included in the computation of any other fringe benefit.

e. Administration and control of this section shall be by the city.

**350-153. Former Town of Lake Firemen's Pension Fund. 1.** Any city of Milwaukee employe who is a member of the former Town of Lake firemen's pension fund system and employed on July 28, 1974, in the Milwaukee fire department as a fireman as the term fireman is defined in s. 36-02-16 of the Milwaukee city charter who has qualified for pension rights under such Town of Lake firemen's pension fund shall be entitled to receive, in addition to the benefits provided for in aforesaid Town of Lake firemen's pension fund, 2% of such employe's final average salary for each year of such employe's creditable service in excess of 25 years of service, up to a maximum of 10 such excess years of service.

2. The term "final average salary" as used herein shall mean the average annual regular base salary computed on the year of service preceding the date of retirement during which the employe's regular base salary was the highest.

3. Payments made such employe or his beneficiary resulting from such additional 2% of final average salary per year of creditable service for years of service in excess of 25 years of service shall be called supplementary service credit payments.

4. In the event such employe's benefits presently provided for by aforesaid former Town of Lake firemen's pension fund are increased by the Wisconsin state legislature in any way, then the monetary amounts payable to such employe or his beneficiary owing to such increase shall cause aforesaid supplementary service credit payments to be reduced by like amounts on a dollar for dollar basis.

**350-155. Outside Employment. 1. NOT PERMITTED.** Except as provided in sub. 2 and 3, no member of the fire department shall be engaged in any other employment, nor shall he receive compensation for the performance of any other service for the city; provided that if a member of the fire department shall be incapacitated and unable to perform his regular duties as a member of the department, and such fact has been properly ascertained, he shall be permitted, with the approval of the chief, to be engaged in employment outside of his regular fire department duties for a period of 6 months, such period to be extended for one additional 6-months' period upon the approval of the chief of the fire department. No such member shall be reinstated to employment in the fire department until such member has passed a medical examination for the particular disability for which such member has been incapacitated, showing such member fit for active duty with the fire department.

2. **NONEMERGENCY EMPLOYEES.** Members of the Milwaukee fire department shall consist of 2 categories as related to the emergency and nonemergency nature of their duties. Employes of nonemergency nature shall be classed as those whose titles fall within the pay ranges established for the first 4 clerk-stenographer levels of the city service, and such nonemergency employes shall be excluded from the provisions of sub. 1.

3. **EXCEPTION.** Effective January 1, 1969, members of the fire department may engage in outside employment for a maximum of 16 hours per week noncumulative, administered by the chief engineer, fire.

**350-163. Policemen and Firemen Duty Disability.** Any policeman or fireman receiving duty disability payments from the employes' retirement system who has one or more children under the age of 18 years, who are either issue of such policeman or fireman or who have been legally adopted pursuant to statutes of the State of Wisconsin, shall be paid out of the general fund the sum of \$80 for each such living child up to the time that such child reaches the age of 18; provided, however, that the total amount of salary earned through gainful employment, together with the aggregate payments for such child allotment, and pension allowance to any one policeman or fireman who is on duty disability shall not exceed the current monthly salary for the position held by such person at the time of retirement, independent of the number of minor children under the age of 18. The payments shall continue only as long as such policeman or fireman receives duty disability payments from the employes' retirement system. In order to be eligible for such child allotment the policeman or fireman requesting such payments shall file an affidavit setting forth the names of the child or children eligible for such child allotment, their date of birth, where such children were born, whether such children are issue of such applicant or whether such children have been adopted, and if adopted, a detailed statement of the circumstances under which such adoption occurred. This section shall be administered under the supervision and direction of the city comptroller and the city treasurer, and the city comptroller shall determine the procedures by which payments shall be made and such other requirements as may be necessary in the opinion of both the city comptroller and city treasurer in order to safeguard the rights and interests of the city. The application form shall, in addition to all other information, state on the face thereof that the applicant agrees for himself and his minor children that any payment made under the terms of this section as a child allotment may be terminated at the sole option of the city, at any time that action to terminate such child allotment is taken by the common council. Such payment is in no way either an expressed or implied agreement on the part of the city, but only constitutes a voluntary payment on its part, which the city may terminate at any time it so determines. Failure of the city to appropriate money for this purpose shall automatically terminate all child allotment payments.

**350-165. Physical Examination of Applicants.** Whenever application is made for a position on the fire or police force of the city of Milwaukee, the applicant shall report to the secretary of the fire department or of the police department, or his assistant, and shall be assigned to regularly appointed physicians or surgeons of the respective departments for a physical examination. The examination shall be given to the applicant by the respective designated physician or surgeon without charge to such applicant.

## 350- Employee Regulations And Benefits

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SUBCHAPTER 8  
TRANSPORTATION AND TRAVEL

**350-181. Authorized Travel Regulations and Procedures. 1. DEFINITIONS.** In this section:

a. "Convention" means a meeting of the membership of a large career or occupation oriented group or association, which occurs on a regularly recurring basis, such as annually, bi-annually or semi-annually. A convention will generally possess most of the following characteristics:

a-1. Is attended by members of the organization, who are ordinarily charged annual dues.

a-2. Is generally held in a different city each year, thus ordinarily requiring travel and lodging expenses.

a-3. May involve a registration fee.

a-4. Usually involves a general session, several more specific workshops, a dinner and a reception.

a-5. Can vary in geographic emphasis, i.e., national, regional, state or a combination thereof.

b. "Official or employe" means a person appointed or elected to a position in the city government, who is paid for their services by city payroll check or a public member of a city board or commission eligible for expense reimbursement from the city.

c. "Other city business travel" means travel to attend a seminar or other travel which is undertaken by a city official or employe in order to carry out duties devolving on a department or agency, which have been assigned thereto by the city charter, code or resolution of the common council or at the request or direction of the mayor. Training courses funded by department appropriation which require out-of-city travel also fall within this category.

d. "Seminar" means a training course provided by a person or agency that is not an employe, department or agency of the city. The location at which the course is offered can vary from as local as city hall or as far away as the continental boundaries of the United States. It may include courses covered by on "city time" use of the city's tuition reimbursement program and training courses funded by a departmental budget appropriation provided for training purposes.

**2. AUTHORIZATION.** a. The following out-of-city travel requires common council approval:

b. Request Procedures.

a-1. All conventions.

a-2. All travel by members of the common council.

a-3. Any travel to be paid from the common council contingent fund. It is the policy of the common council and mayor that, in the ordinary course of business, departments should budget for travel expenses from departmental accounts. Use of the common council contingent fund for travel will only be approved under extraordinary circumstances where a department can demonstrate that travel was essential and unanticipated and that departmental funds are not available for such travel.

b. All other travel for which budgeted funds are available shall require the approval of the respective department head.

c. Departments shall adhere to the administrative guidelines for automobile and travel allowance provided in ss. 350-181 to 350-187.

**3. CONVENTIONS.** a. Eligibility.

a-1. No more than 2 persons from the same city department or a division of the department of public works shall be authorized to attend the same convention. Exceptions to this policy may be made on a case by case basis only when special circumstances are presented or when the city of Milwaukee is the host.

a-2. Authorization to travel may be designated to the department or bureau staff with the attendee to be determined by the department or bureau head.

a-3. The maximum number of yearly conventions to be authorized to each city department or department of public works division shall not exceed the guidelines established by the committee on finance and personnel. In addition, each department or department of public works division may be authorized no more than 2 additional employes to attend one convention each in Wisconsin or the Chicago area within a given year.

a-4. No more than 2 board or commission members per year from the same board or commission shall be authorized to travel, either to the same or different conventions.

a-5. Both the department head and the first assistant or deputy shall not be authorized to undertake out of city travel on city business during the same period of time. Exceptions to this policy may be made on a case-by-case basis.

## 350-181-4 Employee Regulations And Benefits

b-1. Requests shall be submitted once per year, prior to November 15, for all conventions anticipated to be attended in the next year. Except as provided in subd. 3, such requests shall be submitted to the department of administration on forms prescribed by that department. Only requests which have been approved by the respective department head or chair of a board or commission as being necessary in the city's best interests and in compliance with the eligibility restrictions and guidelines cited in par. a, shall be considered for authorization. The department of administration shall prepare the necessary resolutions to authorize convention attendance. The estimated costs of each convention to be included in the resolution shall be computed by the department to assure uniformity and prudence in the allocation and expenditure of public funds for this purpose.

b-2. Requests for attendance at conventions submitted after November 15 each year shall be considered only if there is an extraordinary reason for their necessity. Such requests are to be submitted directly to the common council by letter, citing the completed convention request form.

b-3. Requests for convention attendance by the mayor and members of the common council shall be submitted directly to the common council on an as needed basis during the year. Attendance shall be authorized by resolution adopted by the common council.

b-4. Substitution of a different convention from the one that has been previously authorized shall require a new authorization by resolution. Such substitution shall be requested by letter to the common council citing the reasons for the change. Changes in the location of a convention or dates held shall not require further authorization provided additional funding is not requested.

**4. OTHER TRAVEL.** Requests by common council members for authorization for other city business travel and any requests for travel to be paid from the common council contingent fund shall be submitted to the city clerk. The city clerk shall process such requests, including preparation of the necessary resolutions for adoption by the common council.

**5. ADVANCE OF FUNDS.** a. No advance of funds for travel expenses shall be

made unless such travel has been authorized under this section. Advances of funds for travel expenses shall be made by city accounts payable check from a properly audited request for advance form, signed by the officer or employe requesting advance of funds and a control group register and voucher approved by the department head or delegated representative.

b. Accounts payable checks for advances of funds for travel expenses may be issued to transportation agencies for transportation tickets, lodging establishments for lodging deposits, or to the organization in charge of a convention or training program for registration fees.

c. The amount stipulated in the authorizing resolution shall serve as authorization for the city accounts payable check to be issued to make the necessary dollar advances for such purposes in context with the properly executed request for advance form.

**6. REIMBURSEMENT.** a. For travel authorized under this section, the city shall pay or reimburse:

a-1. For required registration expense incurred and reported by the attendee, provided a receipt is provided.

a-2. For actual expense incurred and reported by the attendee up to but not exceeding round trip airline coach fare, unless the airline certifies that no coach fare is available. In such a case, a certificate is required. A receipt or other verification form is required if public transportation is used. The choice of transportation to be used, including use of a personal automobile, shall be at the option of the respective official or employe. However, the amount of time to be allowed for travel shall be determined by the respective department head. If a personal automobile is used, reimbursement shall be in accordance with s. 350-183. If a management pay plan employe chooses to drive to the event, he or she shall use a pool car, a rental car or be reimbursed through travel allowance for use of his or her personal automobile for travel. Department heads shall make the final determination and shall consider factors such as location, individual needs of the management pay plan employe, security and safety issues, and other specific circumstances of the event.

a-3. For actual expense incurred and reported up to but not exceeding the single rate for a standard hotel room for the number of days of actual attendance at the involved convention or seminar, or for other city business travel, but not to exceed 5 days, provided a receipt is provided. Exceptions to this policy may be made on a case by case basis.

a-4. The city shall pay or reimburse for actual miscellaneous expenses incurred and reported up to but not exceeding \$50 per day for the number of days of actual attendance plus one.

b. The city comptroller is authorized to approve individual variances between the estimated amount established for travel and the actual reimbursement in context with par a. This can be done without the need for amendments to the itemized amounts contained in the original authorizing resolution, except that if the total funding provided in the resolution appears inadequate to fund all authorized travel contained therein, the comptroller shall initiate a supplemental funding request by resolution in a timely manner to prevent overexpenditure before such funding is provided by resolution.

c. Whenever an advance of funds has been made for travel authorized under this section, the official or employe receiving the advance shall within 15 days after returning to the city file documentation to repay the city for the full amount of the advance. In order for the officer or employe to repay the full amount of advance the person shall:

c-1. File with the city comptroller an itemized statement of actual and necessary expenses. If the travel involved attendance at a convention or seminar, a copy of the convention or seminar program or agenda shall also be submitted.

c-2. Make full settlement of the travel advance to the city treasurer within 5 working days after receiving notification from the city treasurer that the city comptroller has issued a check made payable to the city treasurer or the official or employe, or both, for the actual and necessary expenses.

d. The procedure in par. c shall be followed unless the official or employe chooses to repay the full amount of the advance to the city treasurer prior to submitting an itemized statement of expense and prior to expiration of the 15-day limit. The city treasurer shall, if the documentation is not filed within 15 days after the date of return to the city, retain out of the next salary due the employe the full

amount of the advance made for travel until the official or employe has complied with this section.

7. REPORTS. Each person who attends an authorized convention or similar activity shall be prepared to submit, either in writing or orally, a report concerning the specific benefits derived from attendance to the department head or to the common council committee on finance and personnel upon request.

9. GUIDELINES. The department of administration may issue guidelines relating to procurement of transportation, lodging, meals, automobile rentals and other travel arrangements consistent with this section. Such guidelines shall be approved by the common council.

10. EXEMPTIONS. a. This section does not apply to the city's legislative activities which are authorized and shall be accounted for pursuant to s. 304-11.

b. This section does not apply to travel undertaken by the mayor or common council president, if the travel expense is charged to their respective special expense funds, in which case such travel shall be deemed authorized.

11. TRAVEL AND TRAINING DURING UNPAID FURLOUGHS. If the authorized, paid travel or training for any city official or employe coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head.

**350-183. Private Transportation**

**Reimbursement. 1. AUTHORIZATION.** Proper city officers are authorized to reimburse city officials and employes occupying positions designated in the positions ordinance as being eligible to be paid for the use of their private automobiles on city business when at the discretion of the department head it is necessary that such automobiles be used on city business. Effective June 13, 2010, departments shall adhere to the administrative guidelines for automobile and travel allowance for management pay plan employes.

2. REIMBURSEMENT. Reimbursement is to be made from funds available to the respective departments for bills rendered, audited and certified for payment as are other bills of the city.

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**3. MILEAGE REPORT.** The authorized employe or official incurring mileage on his or her private automobile in the conduct of official business for the city shall submit a record of mileage incurred on city business during the month and attest to the accuracy of the mileage through the online program "City Time" and comply with a specific timetable for entering the data and for approval by the department head or designee that has been provided by the comptroller's office. The applicable rate for mileage shall be the IRS travel reimbursement rate, which is \$0.50 per mile for 2010.

**4. APPROVAL.** a. The department head of the agency for which the private automobile expense was incurred shall approve and attest to the accuracy and reasonableness of each mileage report submitted.

b. All private automobile reimbursement payments to employes exceeding 1,000 miles monthly shall be concurred by the finance and personnel committee before payment is made.

**5. INSURANCE.** The authorized employe or official using his private automobile in the conduct of city business shall have at least the minimum insurance coverage prescribed by state law and shall have declared the use of his automobile on city business to his insurance company to protect the city's interests. It shall be the responsibility of his department head to see that the employe is adequately covered by such insurance before he approves the use of a private vehicle on city business and reimbursement for such use.

**6. POSITIONS AUTHORIZED.** In the event that a position for which private automobile reimbursement is authorized is filled by an incumbent classified at a lower level, private automobile reimbursement is authorized under the same conditions that apply to the authorized positions.

**7. RATES.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, mileage incurred on official city business by an employee or official authorized to be reimbursed for use of his or her private automobile, excluding members of the common council who shall be reimbursed as provided for in sub. 8-a, shall be made once per month based on the internal revenue service standard mileage rate in effect for each mile driven on official city business.

**8. COMMON COUNCIL MEMBERS.** a. In order to provide transportation which is necessary and essential to the discharge of the official duties of the members of the common council, each member shall be entitled to a monthly payment. This payment shall not be made if during the month the member has not attended any of the scheduled meetings of the council, unless excused by the council president, and has not attended any of the scheduled meetings of the standing committees to which the member is appointed, unless excused by the committee chair.

b. The monthly rate shall be indexed annually on the basis of the private transportation component of the Consumer Price Index's U.S. City Average for Urban Wage Earners and Clerical Workers, published by the U.S. Bureau of Labor Statistics. The monthly transportation rate shall be increased or decreased (rounded to the nearest dollar) on the basis of the percentage change (calculated to the nearest 1/10th of 1%) in the annual average index numbers for the immediately preceding two calendar years.

**9. EXCEPTIONS.** Employes or officials who make occasional, nonroutine trips outside the city on official business, but who are not specifically authorized by title in the positions ordinance to be reimbursed for private automobile mileage incurred on city business shall be covered by the following provisions:

a. City officers are authorized and directed, upon presentations of properly certified statements to reimburse employes or officials for properly authorized travel at the rates specified in sub. 7 except that on trips of less than the minimum base mileage, payment per mile shall be made at the rate calculated by dividing the base amount by the minimum base mileage.

b. If one person is traveling by car, the reimbursement for mileage shall not exceed coach air fare for the same trip; or, if 2 or more persons travel together in one car, reimbursement shall be for actual miles traveled in accordance with the schedule in sub. 7 and shall be paid to only one person traveling in the car.

c. On trips over 500 miles to destination, if 2 or more persons travel together in one car, the person (or persons) not granted mileage reimbursement may be reimbursed for up to 2 additional days for hotel and miscellaneous expenses upon filing properly certified statements. This reimbursement shall not exceed coach air fare.

d. If the conveyance is by means other than private automobile, reimbursement shall be on the basis of actual transportation expenses incurred.

e. The private automobile of the employe or official shall be covered by insurance as required in sub. 5.

**350-185. Automobile Reimbursement; Withholding Taxes. 1. REPORTS REQUIRED.** Each city officer or employe, excluding members of the common council, who is furnished a city-owned vehicle to provide transportation which is necessary and essential to the discharge of his official duties or who is reimbursed for expenses incurred in the use of his private automobile on city business as provided in s. 350-183 shall report as directed by the city comptroller to the city comptroller the official business mileage and personal mileage driven in city-owned vehicles or his privately owned vehicle. The use of a city-owned vehicle from the home or place of residence to the place of work and from the place of work to the home or place of residence and all other mileage not within the usual, regular or customary duties of the official or employe affected shall be deemed personal mileage. In doubtful cases, the city comptroller shall determine the nature of the mileage reported.

**2. WITHHOLDING ON NONBUSINESS MILEAGE.** The city comptroller shall annually, or as often as is necessary or appropriate, compile such data and calculate such mileage at the authorized rate per mile and determine the fair market value for the personal use of city-owned vehicles in accordance with applicable law and as is approved by the internal revenue service of the United States. Upon completion of such calculation and compilation, the comptroller shall withhold from the employe's paycheck such amounts as is required to comply with the tax liability of the city in accordance with the requirements of applicable federal, state, and FICA law and he shall add the required amount to the individual's W-2 form as added compensation. This amount shall not be part of the city of Milwaukee salary ordinance and shall not be included in the base for pension, group life or other fringe benefits based on salary.

**350-187. Odometer Readings of City Automobiles. 1. CERTIFIED STATEMENT.** Whenever there is established in the city budget an appropriation to cover allowances for operation and maintenance of automobiles owned by city officials or employes and used on city business, before such allowance shall be paid, such official or employe shall prepare such certified statements as are required, and containing such information as shall be deemed necessary by the comptroller. Such certified statements shall be submitted to the head of the employing agency, who shall check the statement for accuracy, and shall certify to same by his signature and shall prepare a payment form as prescribed by the city comptroller, which, together with the certified statement as approved, shall be forwarded to the comptroller for payment. The comptroller shall refuse to allow any payment unless certified information as required has been submitted.

**2. REGULATIONS.** Such automobile allowances shall conform to the conditions of all common council resolutions or city ordinances describing conditions under which the allowance shall or shall not be paid. In no case shall miles driven between the official's or employe's home and the location considered to be the base of operations be included as miles driven on city business.

**350-188. Parking. 1. ASSISTANT CITY ATTORNEYS.** Assistant city attorneys shall receive parking paid for and secured by the city.

**2. POLICE ADMINISTRATION BUILDING EMPLOYEES.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees assigned to the police administration building shall be reimbursed for parking. The reimbursement shall not exceed \$125 per month, nor shall it exceed the actual monthly costs paid for by the employee. To be eligible for reimbursement, the employee shall submit all parking receipts to the police department administration. Receipts for parking paid by the month shall be submitted by the 15th of the current month. Receipts for parking paid by the day shall be submitted by the 5th of the following month.

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SUBCHAPTER 9  
GENERAL REGULATIONS

**350-201. Appointment and Duties of Employes.** All the officers and employes of the city of Milwaukee, unless now otherwise provided by law, the charter of the city of Milwaukee or by ordinances, or unless otherwise provided in these general ordinances, shall be appointed by the head or heads of the respective departments to which they belong and shall perform such duties outside of those prescribed by law and the ordinances of the city, as the rules of the department may provide and the head or heads thereof may direct.

**350-203. Diversity, Equal Employment Opportunity and Affirmative Action.**

1. **DECLARATION OF POLICY.** It is the policy of the city of Milwaukee to provide equal employment opportunities to all qualified persons without regard to their race, religion, color, age, disability, sex, national origin, sexual orientation, marital status, membership in the military reserves, creed, ancestry, arrest or conviction record, or use or nonuse of lawful products away from work. In adhering to this policy, the city complies with the Wisconsin Fair Employment Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, and other applicable statutes and regulations relating to equal employment opportunities. This policy represents the city's commitment to a nondiscriminatory work environment for all qualified applicants and employes. The city of Milwaukee is an employer which values the diversity of its employes.

2. **DEFINITIONS.** In this section:

a. "Affirmative action" means, in employment, the screening of position descriptions and selection criteria to ensure the use of appropriate, job-related requirements; comprehensive and inclusive advertising and recruiting efforts; special or targeted recruiting in addition to traditional methods; training plans and programs, including on-the-job training; and gender-neutral and culturally bias-free criteria to be used when making employment decisions relating to recruitment, hiring, performance evaluation, promotion, transfers, training opportunities, compensation and other terms and conditions of employment and termination.

b. "Diversity" means, in addition to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, an infinite range of individuals' unique characteristics and experiences, such as communication styles, career, work, life experience, educational backgrounds and other variables. Diversity focuses on tapping the talents of people of different backgrounds, experiences and perspectives as a means of improving the workplace environment and productivity. Diversity awareness works to create an environment that recognizes values and utilizes the unique skills and abilities of all employes. The goal of diversity awareness is to create an inclusive, respectful and equitable work environment.

c. "Equal employment opportunity" means the equal and fair treatment of all qualified applicants and employes with regard to city employment practices, including, but not limited to, recruitment, selection, hiring, training, promotion, compensation, benefits, transfers, discipline, terms and conditions of employment, and layoffs.

3. **OFFICE OF DIVERSITY AND OUTREACH.** There is established, under the direction of the employe relations director, an office of diversity and outreach for the purpose of promoting the importance, benefit and necessity of maintaining diversity within the city's workforce and ensuring compliance with applicable policies, ordinances, statutes, laws and executive orders. The office of diversity and outreach shall have other duties pertinent thereto, including but not limited to:

a. Reviewing and assisting the development of diversity, equal employment opportunity, affirmative action plans of the various city departments to ensure that each plan is consistent with the overall city plan.

b. Maintaining statistics, which include, but are not limited to, the proportion of underrepresented group members at all levels and job classifications in the city's workforce and the availability of qualified underrepresented group members in the labor force of the relevant labor areas. The statistics shall indicate how each group has been affected by new hires, training opportunities, promotions and discipline.

c. Counseling employes, managers and others about diversity, equal employment opportunity and affirmative action issues in the workplace.

### 350-203-4 Employee Regulations And Benefits

d. Facilitating diversity related training programs and workplace mediation.

e. Receiving and investigating complaints of discriminatory employment practices, workplace violence, or of harassment in the workplace from city employees. If an investigation discloses a violation has occurred, the diversity and outreach officer shall work with department heads and managers to implement corrective action and resolve the situation.

f. Receiving and investigating complaints filed with the city equal rights commission regarding any resident who believes that he or she has been discriminated against in employment or housing within the city.

g. Receiving and investigating complaints filed with the fire and police commission regarding any citizen who believes he or she has been treated by an employee of the fire or police department in a manner that violates fire and police commission or departmental rules.

h. Identifying and maintaining comprehensive and effective recruitment methods that promote a diverse workforce.

i. Monitoring results of police and firefighter training, with emphasis on female and minority recruits.

j. Participating in performance examinations, job fairs, and police aide and fire cadet recruitment activities at high schools and other locations.

k. Working through a comprehensive community relations effort and public information program to enhance the image of the fire and police service.

L. Reviewing all state of Wisconsin and federal laws, rules and regulations concerning equal employment opportunities to ensure compliance.

**4. DIVERSITY AND OUTREACH OFFICER.** The diversity and outreach officer shall, under the direction of the employee relations director, manage the day-to-day operations of the office of diversity and outreach; perform complaint intake functions; investigate complaints; serve as the city's Americans with Disabilities Act coordinator; ensure compliance with applicable ordinances, statutes, laws and executive orders; have responsibility and authority for the development and implementation of a comprehensive

diversity, equal employment opportunity and affirmative action plan for the city; and function as the liaison between the fire and police departments, the fire and police commission, the media and the community.

**5. DEPARTMENT DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLANS.** Each city department shall submit a diversity, equal employment opportunity and affirmative action plan every 2 years. The office of diversity and outreach shall provide guidelines and a time line for submitting the plans.

**6. CITYWIDE DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN.**

a. The department of employee relations shall incorporate the individual departmental plans into a citywide diversity, equal employment opportunity and affirmative action plan that shall be submitted to the city service commission. This plan shall be prepared every 2 years.

b. Upon approval by the city service commission, the plan shall be submitted to the mayor and common council. Upon adoption, the plan shall be distributed to all city department heads.

**7. IMPLEMENTATION.**

a. Recruitment. The department of employee relations shall practice comprehensive and inclusive advertising and recruiting efforts, which may include special recruiting targeting previously underrepresented groups, in addition to traditional recruiting methods.

b. Training. The department of employee relations shall develop training plans and programs, including on-the-job training, designed to develop the knowledge, skills and abilities essential for developing each employee's fullest potential. The department of employee relations shall develop and provide relevant training to increase employees' knowledge and awareness of laws and regulations, as well as the city's policies relating to diversity, equal employment opportunity and affirmative action and respecting diversity in the workplace.

c. Testing, Selection, Placement and Promotion. The department of employee relations shall review city testing, selection, placement and promotion policies to ensure that they comply with applicable laws and regulations relating to equal employment opportunities.

**8. ACCOUNTABILITY AND REPORTS.** The department of employe relations shall be responsible for the successful implementation and coordination of the citywide diversity, equal employment opportunity and affirmative action plan. In turn, each department head shall be accountable for the successful implementation of their departmental diversity, equal employment opportunity and affirmative action plan.

**350-204. Direct Deposit for Certain City Employees.** Each employe who is capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

**350-205. Flexible Spending Account.**

**1. ESTABLISHED.** There is established a flexible spending account program for city employes. The plan shall enable employes to fund with pre-tax dollars employe and dependent costs associated with coverage under existing city health and dental programs, a health care flexible spending arrangement and a dependent care assistance flexible spending arrangement. The plan shall be an eligible plan under sec. 125 of the internal revenue code. The plan shall be by specific written master agreement and salary reduction agreements executed by eligible employes which shall provide for reduction of such amount of compensation from employes' wages as is authorized by employe and the city for expenditure in accordance with the plan.

**2. ELIGIBILITY.** City management and nonrepresented employes eligible for benefits shall be eligible for participation in the flexible spending account plan. Other employes shall be eligible in accordance with applicable collective bargaining agreements. In order to participate, employes must file a written election.

**3. ADMINISTRATION.** The plan shall be administered under the supervision of the department of employe relations. The master agreement governing the plan shall be approved by the common council. The treasurer shall be the custodian of funds held by the city under the plan. The city may contract with a third party administrator and any such agreement shall be subject to common council approval.

**350-206. Tuition Benefits; All Employees.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employes shall be eligible for tuition benefits relating to tuition and required textbooks. Tuition benefits shall be \$1,200 per calendar year. The following provisions apply:

**1.** Up to \$600 of tuition benefits per calendar year may be used for job or promotion-related certifications and license fees.

**2.** Up to \$1,200 in tuition benefits per calendar year may be used for job-related membership dues.

**3.** Police aides shall be eligible for a combined maximum of \$2,400 during the first 2 calendar years of employment.

**4.** The department of employe relations shall establish guidelines for the administration of tuition benefits.

**350-207. Bonds for Officers and Employees.**

**1. CITY TREASURER AND DEPUTY.** Before entering upon the duties of their respective offices, the city treasurer and the deputy city treasurer shall each be covered by corporate surety bonds in the amount of \$200,000 executed to the city of Milwaukee. The bonds shall be official bonds subject to ch. 19, Wis. Stats. The common council, by resolution, may require that the said officers be covered by new and additional bonds and may remove either or both of them from office for failing to be covered by proper bonds. The cost of the bonds shall be paid by the city.

**2. OTHER OFFICERS AND EMPLOYES.** Pursuant to s. 3-22 of the city charter, the common council, by resolution, may require that other officers and employes be covered by faithful performance or honesty type bonds, either in individual form or under a blanket bond, or both, and may remove any of them from office for failing to be covered by proper bonds. The cost of such bonds shall be paid by the city.

**3. APPROVAL.** All bonds shall be approved as to form and execution by the city attorney.

## **350-209 Employe Regulations And Benefits**

### **350-209. Hours of Labor of City Employes.**

1. **WORKDAY.** Department heads shall determine hours of work, but the basic workday of all employees of the city shall consist of 8 hours in a calendar day. As far as it is practicable this workday shall conform with the established hours of business. This conformity shall not interfere with the special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8 hour day for city employes be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

2. **WORK WEEK.** The service week of every employe or officer of the city shall be limited to 5 days' employment or duty per week, except in cases where such reduction would conflict with some legal requirement. This in no way prohibits a department head from establishing an alternative work schedule. So far as is practicable the days on which employes and officials shall not be required to work shall be Saturdays and Sundays in order to provide uniformity and an opportunity to take advantage of the economies of a complete shutdown of city activities. If the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employee shall be entitled to time-off during such periods as the department head may designate.

**350-211. Political Activity Prohibited. 1. BY DEPARTMENTS, BOARDS, ETC.** The heads of city departments, bureaus, boards and commissions or any member of their respective departments, bureaus, boards and commissions, in their official capacities, are prohibited from recommending any changes or amendments of the laws of the state of Wisconsin to the legislature of the state of Wisconsin, or to any committee of the legislature, or to any member of the state legislature of the state of Wisconsin, or from recommending to the Wisconsin department of industry, labor and human relations, or to any employe of Wisconsin department of industry, labor and human relations any changes in the Wisconsin state building code adopted by the department in discharge of its duties under ch. 101, Wis. Stats., without first submitting to the common council any changes or amendments of the laws of the state of Wisconsin or of the state building code, and obtaining the approval of and a directive from said common council.

2. **PENALTY.** Willful violation of this section by any officer or employe shall be considered a cause for discharge, suspension or demotion subject to the law and rules regulating such actions.

### **350-213. Defense of City Officials and Employes. 1. TO DEFEND CIVIL ACTIONS.**

The city attorney is authorized to defend civil actions brought against any officer or employe of the city, or of any board or commission thereof, growing out of any acts done in the course of his employment or out of any alleged breach of his duty as such officer or employe, excepting action brought to determine the right of such officer or employe to hold or retain his office or position, and excepting also actions brought by the city against any officer or employe thereof.

2. **CITY ATTORNEY LIABILITIES.** Nothing contained in this section, nor any action taken by the city attorney pursuant to the provisions hereof, shall be construed to impose any liability, either for costs, damages or otherwise, upon the city or the city attorney, nor to obligate the city or city attorney to pay any cost or expenses in conducting the defense of any such action, it being the intention merely to authorize the city to furnish legal services to its officers and employes in the case mentioned without incurring any other or further obligations.

**350-215. Photographs of Property.** Every officer or employe of the city who is about to cause to be taken any photograph of property in connection with any public work shall consult with the city attorney relative to those to be taken if it is apparent that the property or project may be involved in litigation.

**350-217. Refusal to Pay Judgment; Employe to be Discharged.** Every officer, clerk, assistant or employe of the city who shall refuse and neglect to pay and satisfy any final judgment rendered against him in a court of justice for any debt incurred or contracted by him for and during his appointment and employment as such officer, clerk, assistant or employe, shall be discharged from the service of the city. It shall be the duty of the chiefs of the several departments to discharge every officer, clerk, assistant or employe serving in their respective departments upon any information duly filed with them, verified by the affidavit of the person or persons making the same, setting forth

the facts, and that the said officer or employe made default in the payment of such judgment or judgments or any part thereof, as the case may be; provided, that no such officer, assistant, clerk or employe shall be compelled to pay in any one month on account of such judgment or judgments a larger sum than 1/3 of the amount of the monthly salary of compensation he receives from the city; and, provided further, that the provisions of this section shall not apply to any officer or employe of the city who shall pay or cause to be paid every month 1/3 of his monthly salary or compensation until such judgment or judgments shall be fully paid and satisfied.

**350-219. Participation in Governmental, Professional, Technical and Community Organizations.** 1. POLICY. City employes are encouraged to participate in governmental, professional, technical and community organizations for purposes of performing public service and to enhance their job performance and thereby improve the efficiency of city operations.

2. GOVERNMENTAL ACTIVITIES. City department, division and bureau heads shall grant time off with pay up to 32 hours per year to employes appointed or elected to city, county, state or federal boards, commissions or committees for official meetings and functions of such bodies during regularly scheduled working hours. Time off with pay shall be granted only if the employe gives 48 hours notice requesting time off for such activities. Employes may be permitted additional time off with pay beyond 32 hours per year for attendance at meetings for the purpose of carrying out the business of a board, commission or committee or for attending conferences necessary to the efficient discharge of the duties and responsibilities of a board, commission or committee if approved of by the finance and personnel committee upon receipt of a written request from a board, commission or committee requesting such additional time off with pay for an employe. Overtime pay as provided under this chapter shall be allowed if participation on the board, commission or committee is an extension of the employe's regular job.

3. NONGOVERNMENTAL ACTIVITIES. City department, division and bureau heads may grant up to 32 hours of time off with pay per year to employes to attend meetings of job-related governmental, professional, technical or community organizations. Permission shall be in writing and shall be granted only if the employe

gives 48 hours notice requesting time off for such activities. Employes may be permitted additional time off with or without pay under this section if approved by the finance and personnel committee upon the written request from the organization requesting the additional time off. No overtime pay shall be allowed for such activities.

**350-221. Identification Badges. 1. BADGES TO BE WORN.** a. By City Employes. All city employes other than members of the police force who enter residences or business places in the city for the purpose of performing inspections or other related services shall be required as a condition of obtaining access to such residence or business to wear an identification badge bearing the photograph, name and/or employe number and that such person be designated as an employe of the city. Such badge shall be worn on the front part of the employe's outer garment so that the same shall be easily visible at all times during the performance of such employe inspection or other related duties. This section shall not apply to inspectional personnel of the health department while in performance of job duties which require anonymity.

b. By Public Utility Employes. All employes of public utilities, as such term is defined in s. 196.01, Wis. Stats., who enter residences or business places in the city for the purpose of performing either inspectional service, or in the performance of any duty relating to the operation of such public utility or for the purpose of checking or installing any facility or appliance for which service is provided or is required to be provided by such public utility, shall be required as a condition of obtaining access to such residence or business to wear an identification badge which bears a photograph, name and/or employe number that such person be designated as an employe of a particular public utility. Such badge shall be worn on the front part of the employe's outer garment so that the same shall be easily visible at all times during the performance of the acts referred to in this section.

2. PENALTY. Any person found guilty of violating sub. 1 shall be punished by a fine of not less than \$25 nor more than \$50.

## **350-223 Employe Regulations And Benefits**

### **350-223. Civil Service in City Attorney's Office.**

**1. CIVIL SERVICE STATUS.** Pursuant to s. 63.29, Wis. Stats., all persons engaged full time in duties in the office of the city attorney, except only the city attorney, the deputy of the city attorney appointed pursuant to sub. 2, and the law clerk, shall have civil service status and tenure and shall be subject to all city civil service provisions. All attorneys presently engaged full time in duties in the office of the city attorney, except only the city attorney and law clerk, shall be given a civil service status and tenure without examination; provided that within 15 days after the effective date of this ordinance each such attorney respectively shall file an affidavit attesting to the fact that he is an attorney and is presently engaged full time in the duties in the office of the city attorney and shall also file in writing an acceptance of such civil service status and tenure with the city service commission, and provided further that the attorneys who have not completed 3 years of service in that office shall be subject to a 3-year probationary period computed by including all service from the date of their first appointment to any position in that office. The position of first assistant city attorney, the incumbent of which is covered by the city civil service provisions of this ordinance, is reclassified to Attorney V in the same pay range.

**2. DEPUTY CITY ATTORNEYS.** There are created 4 positions of deputy city attorney who shall be appointed by the city attorney and such positions shall not be under civil service, and the city attorney shall be responsible for all the acts of such deputy city attorneys. The deputy city attorneys may be selected from among the assistant city attorneys in the office of the city attorney, and, if so selected from among such group, while serving as deputy city attorneys, such assistants shall continue to retain their civil service status and tenure provided for in this section. The deputy city attorneys shall be required to take the oath of office as provided in the charter and may perform all duties and have all responsibilities which are imposed by law in the ordinances and charter ordinances of the city on the city attorney.

**3. NEW APPLICANTS.** All persons hereinafter appointed to positions in the office of the city attorney covered by the civil service provisions of this section shall be appointed under applicable provisions of the Milwaukee city civil service law and shall retain such status, provided that the attorneys shall have completed a 3-year probationary period of service in the city attorney's office computed by including all service from the date of their first appointment to any position in that office.

### **350-229. Rotative Employment System.**

**1. ESTABLISHED.** The city service commission is authorized and directed, subject to approval by the common council, to establish a system of rotative service, rotative lay-offs, staggered employment, furloughs without pay, shortened work days, and part time work for all positions in the classified service of all departments, bureaus, boards and commissions where there has been staff reduction due to budget reductions or operating economies and where there are several persons holding positions of the same title or positions in which the duties may be performed efficiently by persons having different titles in the judgment of the head of the department, bureau, board or commission, and of the city service commission.

**2. AUTHORITY.** The city service commission shall establish such systems upon the request of the common council, or upon the request of the head of the department, bureau, division, board or commission, and after a public hearing, notice of which shall be given to all employees who might be affected by the decision. A full statement of any action of the commission in exercising this authority, together with a list of the positions and employees affected, shall be included in its minutes. The commission is also authorized to revoke or modify its action in the same manner as it was originally exercised.

**3. SERVICE RATING, ETC.** Nothing in this section shall be construed to prevent the establishment of a system of service ratings, or to limit the right of discharge, suspension, discipline or appeal.

**4. COMPENSATION, ETC.** Incumbents of positions placed upon a rotative, part time, shortened work day or staggered schedule of work, the compensation of which is fixed by ordinance or resolution upon a daily, monthly or annual basis, shall be paid a proportionate share of such salary or wage.

### **350-231. Application of Specifications for Personnel Service.**

The specifications for personnel service shall apply to all authorized offices and employment in the departments, bureaus, institutions, boards and commissions of the city government under control of the common council, and shall supersede all grouping of employment inconsistent therewith and shall be applied subject to the conditions and regulations included in ss. 350-112, 350-114, 350-231 to 350-235, 350-241 and 250-243.

**350-233. Extent of Application for Specifications for Personnel Service.** The specifications for personnel service shall apply in their entirety to all offices and employments in the city service to be filled after this chapter takes effect and shall not affect present civil service employes except as herein provided. The specifications for personnel service shall not in themselves be construed to define, or prescribe the organization or procedure under which employes shall work, or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

**350-235. Request for New Positions. 1. TO BE SENT TO CITY SERVICE.** All departmental requests for new positions or of proposed changes in the standard specifications affecting existing positions shall be sent by the department head to the city service commission before submission to the common council. In such requests the department head shall set forth clearly the duties, qualifications and other matters affecting the classification, title, grade and compensation and the necessity for the creation of the new position or of such changes affecting the existing position.

**2. TO BE INVESTIGATED.** Upon receipt of such statement the city service commission shall promptly investigate and determine whether the position is in fact new or whether the changes so far as they affect the classification, title, duties and qualifications and compensations of the existing position are in accordance with the standard specifications for personnel service and the civil service law, rules and regulations. No office or employment shall be considered new unless the duties thereof are found by the city service commission to be substantially different from those of every other existing position in the city service.

**3. COMMISSION TO SUBMIT REPORT.** The city service commission shall submit a report to the common council of its approval or disapproval and indicate the purposes of the changes as they affect the classification, title, duties and qualifications of the position, and so far as they affect changes in the civil service compensation grade, which has been established only as a guide for the new position or the existing position. When the commission shall find any office or employment to be in fact new or shall find the requested changes affecting any existing position to be in accordance with the standards in the specifications for personnel service and the civil service rules and regulations, the commission shall classify such position under the appropriate

service, grade and title provided in the specifications for personnel service. The standard titles shall be used to designate the position in all reports to and records of the city service commission and in all payrolls or accounts of salaries and wages submitted to the commission for check and certification as to legality of employment and to the city comptroller and treasurer for payment.

**350-237. Exclusion from Benefits.**

**1. DEFINITIONS.** In this section:

a. "Part-time employee" means an employee whose employment averages 20 hours per week or less.

b. "Provisional, emergency and temporary appointments" are as defined in the city civil service rules.

**2. BENEFITS EXCLUDED.**

a. A permanent employee who is eligible for benefits and receives a provisional, emergency or temporary appointment shall not lose rights to any employment benefits.

b. Except as specifically provided, any individual who is hired on a provisional, emergency or temporary appointment, student aide or volunteer auxiliary police officer shall not be eligible for the following employment benefits:

b-1. Vacation with pay.

b-2. Additional off-days with pay.

b-3. Sick leave with pay.

b-4. Funeral leave with pay.

b-5. Injury pay.

b-6. Holiday pay.

b-7. Holiday differential pay.

b-8. Shift differential pay.

b-9. Jury duty with pay.

b-10. Military training and civil disturbance leave of absence with pay.

b-11. Medical benefits.

b-12. Group life insurance.

b-13. All other benefits not specifically listed in this section.

c. Crossing guards shall not be eligible for any benefits.

**3. BENEFITS PROVIDED.**

a. Those employees listed under sub. 2-b shall be eligible for certain employment benefits as provided for in other code provisions or state statutes.

b. City laborers (seasonal) shall be eligible for the following employee benefits upon appointment:

b-1. Salary Increments.

b-2. Overtime in cash or compensatory time-off.

## 350-239 Employee Regulations And Benefits

- b-3. Workers' compensation.
- b-4. Pay during time-off for military induction examinations.
- b-5. Call-in pay.
- b-6. Medical benefits.
- b-7. Vacation pay. Employees may take vacation time earned after working 2,080 hours.
- c. City laborers (seasonal) shall become city laborers (regular) after completing 2,080 hours of work and shall become eligible for the following additional employment benefits:
  - c-1. Sick leave with pay. The 6-month waiting period shall be waived.
  - c-2. Injury pay.
  - c-3. Holiday pay.
  - c-4. Shift differential pay.
  - c-5. Weekend differential pay.
  - c-6. Jury duty with pay.
  - c-7. Military training leave of absence with pay.
  - c-8. Dental insurance.
  - c-9. Group life insurance.
  - c-10. Retirement benefits.
  - c-11. Sick leave incentive program.
- d. Part-time employees shall be eligible for the following employment benefits on a pro rata basis and only during the period of actual employment:
  - d-1. Vacation with pay.
  - d-2. Holiday pay.
  - d-3. Sick leave with pay.
  - d-4. Funeral leave.
  - d-5. Sick leave incentive program.
  - d-6. Jury duty with pay.
  - d-7. Tuition and textbook reimbursement.
  - d-8. Group life insurance.

### 4. APPLICATION AND ADMINISTRATION.

- a. An employee on the payroll prior to January, 1966, shall not lose any of the benefits provided to that employee, except that an employee, regardless of his or her date of placement on the city's payroll, who attained status in the city's central clerical pool on or after December 30, 1973, shall not be entitled to any of the employment benefits listed in sub. 2, as long as he or she retained status in the clerical pool. In addition, if any employee with status conferred via the clerical pool receiving the benefits specified in sub. 2 because he or she meets the criteria set forth in sub. 2 ceases to qualify for benefits according to sub. 3, that employee shall under no condition be eligible to receive benefits.
- b. The department of employee relations shall administer the provisions of this section.

c. No provision of this section shall be construed to prevent elected and appointed city officers from accruing all benefits, including sick leave, but excluding salary increments, listed in subs. 1 and 2 from which they are not otherwise excluded by state statute, and these officials shall accrue benefits in a like manner as all other city employees who are eligible for those benefits, and the terms of office of these officials shall be deemed as periods of employment with the city for accrual of benefits.

d. The director of employee relations is authorized to accept a statement from elected or appointed city officers concerning sick leave usage and balance as needed to determine sick leave accruals.

e. Elected and appointed city officers, and former elected and appointed city officers who are employees of the city, are covered by this section.

f. Employees hired on or after July 1, 1982, to fill the positions of temporary customer service representative and accounting aide in the office of the city treasurer, shall not receive any employment benefits listed in sub. 3 regardless of their previous employment status in the city service. Employees in the city treasurer's office who had previously worked in these positions prior to July 1, 1982, shall retain their benefits status.

**350-239. Promotion from Grade to Grade.** Promotion from one grade to the next higher grade of positions in the classified civil service shall involve a change of duties and shall be made only when a vacancy has been created by resignation, transfer, death or dismissal, or when a new position shall have been created.

### **350-241. Disciplinary Grievance Procedure.**

**1. DEPARTMENT OF EMPLOYEE RELATIONS.** The department of employee relations shall be the official agency for the settlement of grievances stemming from unpaid disciplinary suspensions that are not appealable to the board of city service commissioners. The department of employee relations shall establish and administer a procedure to resolve grievances.

**2. ELIGIBILITY.** An employee who is not subject to the rules of the city service commission under s. 63.27, Wis. Stats., shall not be covered by this section. A regularly-appointed employee, having passed probation, may use the grievance

procedure established by the department of employee relations when he or she receives an unpaid suspension of one to 15 days. An eligible employee who receives a second suspension within 6 months of a former one, independent of the length of the second suspension, may file an appeal with the city service commission in accordance with rule XIII, section 2, of the civil service rules if he or she chooses to contest the discipline.

**3. PROCEDURE.** Employees and supervisors shall make every reasonable effort to resolve any concerns, questions, or misunderstandings that have arisen from the imposition of discipline before filing grievances. The department of employee relations shall develop and administer a grievance procedure that includes a final independent review of the circumstances of the grievance and determine whether the disciplinary action was reasonable under the circumstances. An independent reviewer shall make these determinations and shall have the authority to either affirm, reduce or set aside associated disciplinary actions.

**4. REPORTS.** The city service commission shall receive an annual report of the grievances filed and resolved under this section..

**350-242. Nature of Employee Regulations and Benefits.** Except to the extent that the city provides otherwise in a collective bargaining agreement lawfully entered into pursuant to the Wisconsin municipal employment relations act, none of the provisions in ch. 350 of the code are intended to give rise to or create, and none of the provisions in ch. 350 should be construed by any individual employee or any group of employees as giving rise to or creating, any contractual rights or any vested rights or interests of any kind whatsoever, and all such provisions are subject to modification or revocation by the common council at any time.

**350-243. Relocation Expense Reimbursement.** City departments may pay relocation expenses on a reimbursement basis from their budgets for non-local candidates selected for department head, deputy department head or other city positions for which recruitment outside the local area is required in order to attract a representative pool of well-qualified candidates provided:

**1.** This decision is based on the quality of that candidate versus the local candidates being considered and whether the individual's acceptance of the position is contingent upon payment of relocation expenses.

**2.** Such expenses are a cost of filling a position vacancy and may be financed from vacancy savings or other savings in departmental budgets.

**3.** The allowable reimbursement for relocation expenses shall not exceed 10% of the midpoint of the salary range of the person being hired.

**4.** The payment is appropriate and necessary and made in accordance with appropriate procedural guidelines developed by the department of employee relations and approved by common council resolution.

**5.** The department of employee relations, with the concurrence of the chair or vice chair of the finance and personnel committee, authorizes payment of relocation expenses.

**6.** That requests for payment of relocation expenses are made no later than 90 days after the actual move of the person being hired.

**7.** That requests for payment of relocation expenses are sent to the director of employee relations who shall forward them to the chair or vice-chair of the finance and personnel committee.

**350-245. Domestic Partnership Registration.**

**1. REGISTRATION AUTHORIZED.** Any 2 individuals, one or each of whom is a city employe, who meet the requirements of this section may register as a domestic partnership as provided in this section.

**2. APPLICATION.** Individuals who seek to register as a domestic partnership shall appear in person in the department of employee relations and complete and sign an application form provided by the department, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

**3. DECLARATION OF DOMESTIC PARTNERSHIP.** Applicants for registration shall sign a declaration of domestic partnership stating that they:

a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.

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b. Are 18 years of age or older and competent to enter into a contract.

c. Are not married.

d. Are not related by kinship to a degree that would bar marriage in this state.

e. Reside together in the city.

f. Have not been in a registered domestic partnership with another individual during the 12 months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.

**4. ADDITIONAL AGREEMENTS.** In addition, applicants shall agree that they:

a. Understand that their registration as domestic partners is a matter of public record.

b. Agree to notify the department of any change in the status of the domestic partnership and to file a termination notice when appropriate.

**5. CONDITIONS OF DOMESTIC PARTNERSHIP.** The applicants shall declare that they possess at least 3 of the following conditions of domestic partnership:

a. They have common or joint ownership of a residence.

b. They have a current lease for a residence identifying both applicants as tenants.

c. They jointly own a motor vehicle.

d. They have a joint bank or credit union account.

e. They have a joint credit account.

f. They have identified each other as primary beneficiaries in their wills.

**6. AFFIRMATION.** Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.

**7. VERIFICATION.** The department shall verify the age, identity and city residence of applicants for domestic partnership. The department may require such reasonable documentation as may be necessary to verify the claims made by those seeking to register a domestic partnership. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the department of the death or marriage.

**8. TERMINATION.** A domestic partnership is terminated by any of the following:

a. The death of one of the partners.

b. The marriage of one of the partners.

c. The filing of a termination statement.

Either domestic partner may terminate a domestic partnership by submitting to the department a termination statement on a form provided by the department. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

**9. RE-REGISTRATION.** An individual whose domestic partnership has been terminated under sub. 8 may not file another declaration of domestic partnership under this section until at least 12 months after the date on which the department received the termination statement.

**10. PRIOR REGISTRATIONS.** Any individuals registered under s. 111-3-10, in effect prior to October 30, 2009, shall be considered registered under this section and subject to its requirements.

**11. INTENT.** This section is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., or ch. 770, Wis. Stats., relating to domestic partnership, apply to domestic partnerships registered under this section.

"For legislative history of chapter 350, contact the Legislative Reference Bureau."