



Department of Employee Relations

Tom Barrett
Mayor

Maria Monteagudo
Director

Michael Brady
Employee Benefits Director

Troy M. Hamblin
Labor Negotiator

November 16, 2011

To The Honorable
The Committee on Finance
and Personnel
Common Council
City of Milwaukee

RE: Common Council File #110744

Dear Committee Members:

As a result of changes to the collective bargaining law and the expiration of collective bargaining agreements, there are numerous changes being proposed to the Milwaukee Code of Ordinances (MCO). The changes include moving existing contractual benefits into the MCO, modifying existing contractual benefits and moving them into the MCO, and modifying, repealing and creating other benefits in the MCO. The MCO will now be the exclusive authority for providing benefits to employees. The following is an overview of the changes being proposed to Chapters 340 and 350 of the MCO.

Chapter 340, Department of Employee Relations

With the elimination of collective bargaining for everything except wages, the proposed changes to this chapter demonstrate the City's commitment to meet and confer with its employees. It also provides for the use of seniority for vacations picks, job picks and, to the extent possible, overtime assignments. This chapter also grants the department with the ability to oversee and resolve complaints.

Chapter 350, Subchapter 1 – Holiday and Overtime Policies

The main changes to this subchapter include eliminating specific references to collective bargaining units, standardizing benefits, changing the definitions of overtime and time worked, including overtime policies from subchapter 2, which allows for the elimination of subchapter 2, and providing discretion to department heads to determine if cash or compensatory time off should be provided for overtime.

Throughout this subchapter there were references to numerous collective bargaining units and the specific benefits they received. The references may or may not have been

accurate when compared to current collective bargaining agreements. All collective bargaining unit and contractual references are being eliminated. The proposed changes standardize holiday and overtime benefits for all eligible employees.

The proposal modifies the definition of overtime from hours outside of an employee's normal work schedule to those hours worked over 40 in a week. Part of this change includes not counting hours credited such as vacation and sick leave toward earning overtime. The only hours not worked that will be included in overtime calculations are holiday and furlough hours.

Currently, one bargaining unit receives overtime at 1.56 times the hourly rate of pay. Other contracts provide for time worked on Sundays and Holidays to be compensated at 1.75 times the hourly rate of pay. The proposed changes will provide that all overtime will now be compensated at 1.5 times the hourly rate of pay, and all hours worked on a holiday will be compensated at 1.5 times the hourly rate of pay.

Another change being proposed is that employees who are considered exempt under the Fair Labor Standards Act (FLSA) will no longer be eligible for overtime. A list of FLSA exempt classifications is included as part of this file.

A proposed provision of this subchapter will also provide overtime for employees who work in a 24 hour 7 day a week operation and are not provided with 48 hours notice of a change in shift. The overtime in this situation will be limited to the hours worked in the 48 hour period immediately following the change of shift without the 48 hour notice.

Currently, there are specific requirements in contracts and the Code that determines which departments, commissions, and classifications receive cash or compensatory time off. Department heads will now have the ability to provide cash or compensatory time off for overtime based on the departmental needs and in consultation with the office of budget and management. Department heads will be required to inform employees before the work is performed by the employee if compensatory time off is being offered. Absent this notice cash shall be provided.

Chapter 350, Subchapter 2 – Departmental Holiday and Overtime Regulations

The main purpose of this subchapter was to specifically require employees of certain departments, commissions, pay ranges, and job classifications to be paid cash or compensatory time off for overtime worked. Since the main purpose of this subchapter is no longer necessary because department heads are now being provided with the discretion to determine when to provide cash or compensatory time off for overtime, this subchapter is proposed to be eliminated.

Chapter 350, Subchapter 3 – Insurance

The main change to this subchapter is to include health and dental insurance benefit information. There are no proposed changes to the life insurance section because the goal of standardizing this benefit requires a request for proposal. All current employees

will maintain their current levels of life insurance, and new employees will receive life insurance benefits consistent with that of similarly situated employees. There are no proposed changes to the long term disability insurance.

Chapter 350, Subchapter 4 – Leaves of Absence

The main changes to this subchapter include eliminating specific references to collective bargaining units, standardizing benefits, extending unpaid educational leave to all employees, standardizing the amount of sick leave earned to 12 days per year, reducing injury pay to 66.67%, reducing terminal leave for management employees and eliminating various sick leave usage rules.

The proposals in this subchapter standardize sick leave and funeral leave benefits. Currently, management and non-represented employees earn 12 days of sick leave per year. This change will reduce the amount of sick leave earned by unionized employees from 15 days to 12 days each year. Employees will have the ability to use sick leave benefits as they accrue. Funeral leave usage had many different definitions based on which bargaining unit represented the employee. The changes being proposed will standardize the definition of when funeral leave may be used for all employees.

The proposal also standardizes the sick leave control incentive program (SLCIP) and terminal leave benefits for all employees. Currently, the SLCIP provides management with an additional day off for perfect attendance all year. This proposal eliminates the additional day off for managers. The existing terminal leave benefit provided managers with a greater payout at retirement. The greater benefit for managers is being eliminated.

Educational leave, while seldom used, was previously available only to management employees. The proposed change makes this benefit available to all employees who meet the eligibility requirements.

Lastly, the proposal standardizes the injury pay benefit for all employees. There are two changes being proposed that will affect injury pay for all employees. The amount of injury pay is being reduced from 80% or 70% to 66.67%, and the benefit will be administered consistent with the “three day waiting period” under the Worker Compensation Law. Therefore, injury pay will not be provided for the first three days of the injury if the employee is not disabled beyond seven calendar days.

Chapter 350, Subchapter 5 – Vacations

The main changes to this subchapter include eliminating specific references to collective bargaining units, standardizing benefits, expanding the accrued time off donor program to all employees and removing the shift and weekend differentials from chapter 350 and placing them in the salary ordinance.

Throughout this subchapter there were references to numerous collective bargaining units and the specific vacation benefits received. The proposal eliminates these references and standardizes the vacation benefits. All employees will now accrue vacation on a pay

period basis and there will no longer be a carry over cap on vacation for represented employees. This will result in a vacation reduction for 245 employees represented by Local 61 until they reach 21 years of service. Part of this file includes providing these employees (see attached list) with an additional week of vacation to be placed in a transitional vacation account, which the employee will have complete discretion as to whether to use it or save it until retirement.

Currently, the accrued time off donor program is available to a select few bargaining units. The proposed change will allow all employees to participate in the program and donate to any employee in need who meets the criteria established by the Department of Employment Relations.

Chapter 350, Subchapter 6 – Uniform and Clothing Allowance

There are two main changes being proposed to uniform and clothing/cleaning allowance benefits received by employees. The first applies to provisions of this subchapter and the second applies to contractual benefits that are not identified in this subchapter. The proposed change to this subchapter allows department heads to determine which positions should wear uniforms, what articles of clothing and equipment to provide to employees, and when to replace them. It also requires departments to provide the uniforms and equipment to employees. The other changes include the elimination of all contractual uniform and cleaning allowances that were identified in the collective bargaining agreements.

Chapter 350, Subchapter 7 – Salaries and Wages

There are no changes proposed for this subchapter.

Chapter 350, Subchapter 8 – Fire and Police Employees

The only proposed change to this subchapter is to the hours of work for the fire department. Currently, the hours of work are identified for all classifications, by divisions and by bureaus. The proposed change provides the fire chief with the discretion to set the hours of work.

Chapter 350, Subchapter 9 – Transportation and Travel

The proposed changes to this subchapter are the elimination of references to collective bargaining units, reimbursing all employees at the IRS rate for all miles driven, eliminating reimbursement rates that are no longer applicable, eliminating monthly automobile stipends and including parking benefits for certain employees.

Currently, there are numerous references to collective bargaining units and the benefits they received in this subchapter. These references are being removed and all miles driven on official city business are being reimbursed at the IRS rate. The net effect of this change is that some employees will lose monthly stipends paid by the city that are unrelated to business miles driven. Most employees who drive approximately 136

business miles per month will see no change to their automobile reimbursements from the city.

This proposed subchapter also includes parking benefits for assistant city attorneys and police administration building employees who currently receive parking benefits.

Chapter 350, Subchapter 10 – General Regulations

The proposed changes to this subchapter include the removal of references to collective bargaining units and collective bargaining agreements, modifying and standardizing the tuition and textbook benefit and replacing the grievance procedure.

The tuition and textbook benefit previously allowed certain employees up to \$500 for job related certifications and license fees. The proposal allows all employees up to \$600 for job or promotional related certifications and license fees.

A new grievance procedure is being proposed to allow employees to grieve warning notices and unpaid disciplinary suspensions that are not appealable to the City Service Commission.

It is recommended that the changes to Chapters 340 and 350 of the Milwaukee Code of Ordinances be approved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy M. Hamblin', with a stylized flourish at the end.

Troy M. Hamblin
Labor Negotiator

Attachments