



Department of Employee Relations

**Tom Barrett**  
Mayor

**Maria Monteagudo**  
Director

**Michael Brady**  
Employee Benefits Director

**Deborah Ford**  
Labor Negotiator

April 10, 2014

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

Dear Committee Members:

Re: Common Council File #131664

File #131664 recommends amending Part II Section 5 of the Salary Ordinance by adding a section to address the temporary loss of a Commercial Driver's License (CDL) by City of Milwaukee employees holding positions that require a CDL when the loss is due to a non-commercial motor vehicle conviction or an off-duty commercial vehicle conviction. This change in the Salary Ordinance will reflect the current practice in the Department of Public Works (DPW).

In October of 2008 and January of 2009, respectively, the City entered into Memorandums of Understanding (MOUs) with both District Council 48 (DC48) and Public Employees' Union #61 (Local 61) in regards to the consequence of the loss of that CDL on a temporary basis due to a non-commercial motor vehicle conviction or an off-duty commercial vehicle conviction. One section of those MOUs stated that when an employee loses his or her CDL due to one of these two vehicle convictions the employee shall have his or her pay reduced by two pay steps unless the employee is at the minimum of the pay range in which case an employee would not be affected. The loss of two steps of pay was equivalent to a reduction in pay of approximately 3% - 7% depending on where an employee was in the pay range.

Since the aforementioned MOUs are not binding and the DPW has continued the practice of reducing the rates of pay per the "agreed to" provisions of the MOUs, Common Council file #131664 is needed to add the appropriate language to the Salary Ordinance. The difference between the pay provisions of the MOUs and the recommended language for the Salary Ordinance is that the reduction in pay would be equal to 4% of an employees pay (given that there are no "steps") and the reduction in pay would in fact apply to all employees independent of where their pay falls within the pay range. Pursuant to section 340-3 of the Milwaukee Code of Ordinances, a meet and confer session has been held to discuss the recommended change with both DC48 and Local 61. Other applicable provisions of the MOUs will be incorporated into the DPW Work Rules.



To implement the requested change, we recommend amending Part II, Section 5 of the Salary Ordinance as follows:

Add letter designation "F/" which should read as follows: "F/ An employee in a position requiring a Commercial Driver's License (CDL) who temporarily loses his or her CDL due to a non-commercial motor vehicle conviction or an off-duty commercial vehicle conviction shall have his or her pay reduced by 4% for the duration of the CDL suspension beginning on the day the CDL is officially suspended."

Copies of the Memorandums of Understanding and a fiscal note are attached. It is recommended that the requested Salary Ordinance change be approved.

Sincerely,



Nicole M. Fleck  
Labor Relations Officer

#### Attachments

NMF  
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