

..Number
191913
..Version
SUBSTITUTE 1
..Reference

..Sponsor
THE CHAIR

..Title
A substitute ordinance relating to employee wages, benefits, and regulations.

..Sections
350-25-3-b-5 am
350-30-1-b am
350-30-3-a-7 am
350-30-3-a-8 am
350-30-4 am
350-34-1-b rp
350-34-4 am
350-34.5 cr
350-37-0 am
350-37-1-b am
350-45-1 am
350-45-3-d am
350-237-2-b-11 am
350-237-2-b-13 rn
350-237-2-b-13 cr
350-237-3-d-8 rc
350-37-3-e rp

..Analysis
This ordinance eliminates references to insurance coverage and health and dental benefits for domestic partners, authorizes the department of employee relations to provide a voluntary benefits program for employees, authorizes the use of miscellaneous unapplied time off for blood and plasma donations and for COVID-19 vaccinations, and modifies certain provisions relating to sick leave and eligibility for the accrued time-off donor program for the care of an employee's immediate family member.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Chapter 350-25-3-b-5 of the code is amended to read:

350-25. Group Life Insurance.

3. AMOUNT OF INSURANCE.

b. Optional Voluntary Coverage.

b-5. As of January 1, 2014, an active general employee may elect family coverage for his or her spouse~~[[, domestic partner,]]~~ and dependent children, based upon terms to be established by the city and its insurance carrier; this coverage shall not be available to retirees.

Part 2. Chapter 350-30-1-b of the code is amended to read:

350-30. Health Benefits.

1. DEFINITIONS.

b. "Dependent" means the spouse, ~~[[domestic partner,]]~~ child, step-child, foster child or adopted child of an employee ~~[[or child of a domestic partner,]]~~ each of whom has been certified with the department.

Part 3. Chapter 350-30-3-a-7 of the code is amended to read:

3. ELIGIBILITY.

a. Eligible.

a-7. Surviving spouses ~~[[or domestic partners]]~~ receiving an ordinary death allowance under s. 36-05-10, if the employee had at least 4 years of creditable service at the time of death, shall be eligible for a period of time equal to the employee's creditable service.

Part 4. Chapter 350-30-3-a-8 of the code is amended to read:

a-8. Surviving spouses ~~[[or domestic partners]]~~ receiving an accidental death allowance under s. 36-05-5.

Part 5. Chapter 350-30-4 of the code is amended to read:

4. ONE-FAMILY RULE. An employee or retiree who is married to ~~[[or is a registered domestic partner of]]~~ another employee or retiree shall enroll in one plan with dependent coverage effective the first of the month following the marriage ~~[[or domestic partnership registration]]~~.

Part 6. Chapter 350-34-1-b of the code is repealed.

Part 7. Chapter 350-34-4 of the code is amended to read:

350-34. Dental Benefits.

4. ONE-FAMILY RULE. An employee who is married to ~~[[or is a registered domestic partner of]]~~ another employee or retiree shall enroll in one plan with dependent coverage effective the first of the month following the marriage~~[[or registration]]~~.

Part 8. Chapter 350-34.5 of the code is created to read:

350-34.5. Voluntary Benefits. 1. The department of employee relations shall administer all voluntary benefit programs authorized by the common council for employees. The department of employee relations is authorized to enter into contracts on behalf of the city for the purchase of voluntary benefits for eligible employees as determined by the department of employee relations. Employees are responsible for paying 100% of the premium costs for voluntary benefit programs.

Part 9. Chapter 350-37-0 of the code is amended to read:

350-37. Sick and Disability Leave. Sick leave shall cover necessary absence from duty of an employee because of the employee's ~~[[personal]]~~ >>, or an employee's immediate family member's, << illness or pregnancy-related disability, bodily injury or exclusion from employment because of exposure to contagious disease by the employee ~~[[or for the care of an employee's immediate family member]]~~. For the purpose of this section only, "immediate family member" has the meaning given in the federal family and medical leave act. In addition, an employee 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 leave for furlough days. Employees may accrue time earned for sick leave purposes while serving mandatory furlough time.

Part 10. Chapter 350-37-1-b of the code is amended to read:

1. TIME GRANTED.

b. At the discretion of the department head, an employee may be excused for a paid absence of 2 hours or less to attend medical, dental or city workplace clinic appointments, ~~[[or]]~~ >>the annual city health appraisal >>or for blood or plasma donations<<, without reporting the absence as paid sick leave, up to a maximum of 8 hours during a calendar year. >>An employee may be excused for up to an additional 2 hours to receive COVID-19 vaccinations.<<

Part 11. Chapter 350-45-1 of the code is amended to read:

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 employee relations to

provide income protection to eligible employees who have exhausted all accrued time off and are suffering from a terminal or major catastrophic illness and are unable to work full-time or to eligible employees who have exhausted all accrued time-off~~[[, except sick leave,]]~~ with immediate family members who are suffering from terminal or major catastrophic illness. "Immediate family" in this section means a spouse, registered domestic partner as provided in s. 350-245, child or step-child.

Part 12. Chapter 350-45-3-d of the code is amended to read:

3. RECIPIENTS' ELIGIBILITY CRITERIA AND RULES.

d. No determination regarding eligibility to receive donated time-off shall be made until the department of employee relations has received a completed application and physician's statement certifying that the employee or employee's immediate family member is suffering from a terminal or major catastrophic illness. An employee shall not be eligible to receive donated time-off unless and until he or she has exhausted all of his or her own accrued time-off ~~[[for his or her own terminal or major catastrophic illness. An employee shall not be eligible to receive donated accrued time-off for an immediate family member unless and until he or she has exhausted all vacation, compensatory time, time-off in lieu of holidays and applicable paid sick leave hours consistent with state and federal family medical leave laws]].~~ Although the decision of the department of employee relations respecting eligibility shall be final, employees who are denied this benefit shall be entitled to a written explanation as to why they did not qualify for participation in the program.

Part 13. Chapter 350-237-2-b-11 of the code is amended to read:

350-237. Exclusion from Benefits.

2. BENEFITS EXCLUDED.

b-11. Medical ~~>>~~and dental~~<<~~ benefits.

Part 14. Chapter 350-237-2-b-13 of the code is renumbered to 350-237-2-b-14.

Part 15. Chapter 350-237-2-b-13 of the code is created to read:

b-13. Voluntary benefits.

Part 16. Chapter 350-237-3-d-8 of the code is repealed and recreated to read:

3. BENEFITS PROVIDED.

d-8. Miscellaneous unapplied time under s. 350-37-1-b.

Part 17. Chapter 350-237-3-e of the code is repealed.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

Department of Employee Relations

..Drafter

Dana J. Zelazny

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January 11, 2021