



Legislation Details (With Text)

File #: 201304 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/19/2021 **In control:** FINANCE & PERSONNEL COMMITTEE

On agenda: **Final action:** 7/27/2021

Effective date:

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

Sponsors: THE CHAIR

Indexes: EMPLOYEE BENEFITS, WAGES AND BENEFITS

Attachments: 1. Budget Office Response, 2. Hearing Notice List, 3. Notice published 8/13/2021

Date	Ver.	Action By	Action	Result	Tally
1/19/2021	0	COMMON COUNCIL	ASSIGNED TO		
4/22/2021	1	CITY CLERK	DRAFT SUBMITTED		
7/21/2021	1	FINANCE & PERSONNEL COMMITTEE	SUBSTITUTED	Pass	5:0
7/21/2021	2	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
7/27/2021	2	COMMON COUNCIL	PASSED	Pass	15:0
8/5/2021	2	MAYOR	SIGNED		
8/13/2021	2	CITY CLERK	PUBLISHED		

201304
SUBSTITUTE 2

THE CHAIR

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

- 350-2-2-c am
- 350-25-2-c am
- 350-35-3 am
- 350-35-3.5 am
- 350-35-5-a am
- 350-36-2-a-6 am
- 350-36-3 am
- 350-36-4 am
- 350-37-0 am
- 350-37-8 am
- 350-40-1-a am
- 350-90-5 am
- 350-100-2 am
- 350-116-1 rc
- 350-116-2-b am
- 350-116-3 am

350-116-4 rc
350-181-11 am

This ordinance changes the furlough provisions of the employee wages, benefits, and regulations by removing “mandatory,” to allow for voluntary furlough days.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-2-2-c of the code is amended to read:

350-2. Holidays, General Provisions.

2. FIRE DEPARTMENT.

c. Computation. For purposes of computation benefits under par. a and b, an employee 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 employee is on the fire department payroll for less than 14 days in a calendar month, exclusive of any ~~[[mandatory]]~~ furlough time, the employee shall be deemed as not having been on the payroll at all during the calendar month.

Part 2. Section 350-25-2-c of the code is amended to read:

350-25. Group Life Insurance.

2. ELIGIBILITY.

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

Part 3. Section 350-35-3 of the code is amended to read:

350-35. Leave of Absence Policies.

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>>_<<

Part 4. Section 350-35-3.5 of the code is amended to read:

3.5. TIME OFF FOR COURT SUBPOENAS. Employees 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 employees 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 employees for appearances made on off-duty hours. If such court subpoena appearances coincide with any ~~[[mandatory]]~~ furlough dates, the employee shall not be paid salary

from the city on those dates, but shall be allowed to retain court subpoena appearance compensation.

Part 5. Section 350-35-5-a of the code is amended to read:

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 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-hour work days with pay; an employee regularly working 24-hour shifts may be granted a leave of absence not to exceed 2 24-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 or the day of the funeral. 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.

Part 6. Section 350-36-2-a-6 of the code is amended to read:

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

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

a. Leaves of Absence.

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.

Part 7. Section 350-36-3 of the code is amended to read:

3. LEAVES FOR MILITARY FUNERALS. Officers and employees 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 employee 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.

Part 8. Section 350-36-4 of the code is amended to read:

4. PAY DURING TIME OFF FOR INDUCTION EXAMINATION. All officers and employees 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.

Part 9. Section 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, 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. 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. Section 350-37-8 of the code is amended to read:

8. INJURY PAY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, when a non-probationary 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.

Part 11. Section 350-40-1-a of the code is amended to read:

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 or an appointed employee of the redevelopment authority of the city of Milwaukee. For this time spent to count as active service for vacation purposes, the time, together with any [[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. Active service shall also include the time an employee or a public official appointed under s. 62.51, Wis. Stats., spent on the city payroll as an elected official.

Part 12. Section 350-90-5 of the code is amended to read:

350-90. General Provisions: Uniforms and Clothing Allowances.

5. MINIMUM DAYS' SERVICE. No payment made under this subchapter shall be made for service in a uniformed status for any calendar month in which the employee 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 employee is on the payroll for 14 days or more. In the event of death of an employee of uniformed status, uniform allowance shall be paid for time accrued, if this amounts to 14 days or more for the calendar month.

Part 13. Section 350-100-2 of the code is amended to read:

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

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]]~~ >>s. 350-116-1-a<<.

Part 14. Section 350-116-1 of the code is repealed and recreated to read:

1. APPROVAL BY COMMON COUNCIL RESOLUTION. a. The common council may by resolution impose mandatory furlough time for city officials and employees.
- b. City officials and employees, except represented employees and nonrepresented noncivilian police and fire management employees, may use a specified amount of voluntary furlough time each year as defined in the department of employee relations furlough policy and administrative guidelines.

Part 15. Section 350-116-2-b and 3 of the code is amended to read:

350-116. ~~[[Mandatory]]~~ Unpaid Furloughs.

2. POSITIONS AFFECTED.

b. The city attorney, city comptroller, city treasurer and municipal court judges shall be subject to mandatory furloughs >>as may be imposed by common council resolution under s. 350-116-1-a<<.

3. FURLOUGH GUIDELINES. The department of employee relations shall issue furlough policy guidelines for city departments as necessary to administer the implementation of ~~[[mandatory]]~~ furlough programs>>_<<

Part 16. Section 350-116-4 of the code is repealed and recreated to read:

4. To the extent any provision in the city salary ordinance, the city charter or code of ordinances, including but not limited to ss. 350-2-2-c; 350-25-2-c; 350-35-3, 3.5, and 5-a; 350-36-2-a-6, 3, and 4; 350-37-0 and 8; 350-40-1-a; 350-90-5; 350-132-5-c; 350-133-3-b-2; 350-152-3-a; 350-152.2-3-a; and 350-181-11, should address or specify the impact of unpaid furloughs upon the wages, hours, or conditions of employment of represented employees, any such provision, insofar as it shall apply to represented employees, shall be subject to, and its application and effects may be modified or nullified through, impact bargaining with the duly authorized representatives of such employees in accordance with the requirements of the Wisconsin Municipal Employment Relations Act. Approval of the common council shall be required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees 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 employees 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 employees if the substantive term is identical or less beneficial to the affected represented employees than corresponding terms that have been approved by the common council for the majority of the city's nonrepresented employees.

Part 17. Section 350-181-11 of the code is amended to read:

350-181. Authorized Travel Regulations and Procedures.

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

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of Employee Relations

LRB176666-1

Tea Norfolk

7/13/2021