



Legislation Text

File #: 021511, **Version:** 1

021511
SUBSTITUTE 1

ALD. BOHL

A substitute ordinance relating to the continuation of city employe compensation as no-interest loans during military leaves of absence.

350-36-2.7 cr

This ordinance provides for the following:

1. Permanent full time city employes, as members of a national guard unit or reserve component of the United States military who are called to active duty relating to the anti- terrorism campaign Operation Enduring Freedom or Operation Iraqi Freedom may enroll to receive their city pay, less a deduction equal to their military pay, for a period not to exceed 90 days.
2. The continuation of compensation shall be a no-interest loan for which the employe has up to 2 years from the date of release from active duty to repay.
3. In the event of the employe's death during the performance of his or her duties as a member of a national guard unit or reserve component of the United States, any compensation owed the city by the employe shall not be collected by the city if the cause of death is directly attributable to military action which occurred as part of Operation Enduring Freedom or Operation Iraqi Freedom.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-36-2.7 of the code is created to read:

350-36. Military Leave.

2.7. CONTINUATION OF COMPENSATION AS NO-INTEREST LOAN DURING CERTAIN MILITARY LEAVES OF ABSENCE. a. Purpose. The common council finds that city employes who are called to active duty as members of national guard units or reserve components of the United States military often experience a loss of income during military leaves of absence. The common council further finds that the potential loss of income during military leaves of absence is a disincentive to city employes who might otherwise enlist to serve in the national guard or the military reserves during a time in which our nation faces the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attacks, sabotage or other hostile actions. It is the intent of the common council by enactment of this subsection to protect lives and property and to preserve the peace, health, safety, and general welfare of the public by removing a disincentive to city employes to enlist to serve in the national guard or the military reserves.

b. Definition. For purposes of this subsection:

b-1. "Military pay" means any and all payments made to national guard or reserve members as recorded on their leave and earning statements.

b-2. "City pay" means the employe's base salary pay rate without any premiums which is in effect during the pay period the national guard or reserve member is called to active duty.

b-3. "Department" means the department of employe relations.

c. Continuation of Compensation. c-1. 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 relating to 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 15 days, permanent full time employes of the city may enroll to receive their city pay, less a deduction equal to their military pay received for duty, for a period not to exceed 90 days.

d. Administration. The department of employe relations shall have the responsibility for the administration of this subsection.

e. Enrollment. e-1. The period for which a permanent full time city employe may enroll to receive his or her city pay as provided in this subsection shall expire 90 days from the date on which the employe begins his or her military leave of absence, and any eligible employe not enrolling by that date shall be deemed to have waived eligibility to receive his or her city pay while on a military leave of absence.

e-2. Bargaining unit employes are ineligible to enroll to receive their city pay as provided in this subsection until such time their unions execute memorandums of understanding that allow such enrollment.

f. Effective Date. An employe may receive his or her city pay as provided in this subsection beginning the first day of the next pay period following enrollment by the employe with the department after having submitted to the department the following:

f-1. A leave and earning statement verifying military pay received for duty.

f-2. A signed promissory note prepared by the city attorney which imposes an obligation upon the employe to repay to the city the compensation received by the employe under this subsection.

g. Disbursement. Employes who enroll to receive their city pay as provided in this subsection shall be paid bi-weekly pursuant to s. 350-108.

h. City pay as loan. The payment of city pay as provided in this subsection is a loan and shall be subject to the following terms and conditions:

h-1. Interest rate. The interest rate of the loan is 0 percent.

h-2. Repayment. h-2-a. The employe shall designate to the city treasurer no later than 30 days following the day on which he or she is released from active duty whether repayment shall be deducted in equal bi-weekly, monthly or quarterly installments from successive payments of salary over a period not to exceed 2 years from the date on which the employe is released from active duty.

h-2-b. In the event the employe is hospitalized by the United States government for an injury incurred as a direct result of military action which occurred as part of Operation Enduring Freedom or Operation Iraqi Freedom, the employe shall designate to the city treasurer no later than 30 days following the day on which he or she is discharged from the hospital whether repayment shall be

deducted in equal bi-weekly, monthly or quarterly installments from successive payments of salary over a period not to exceed 2 years from the date on which the employe is released from active duty or discharged from the hospital, whichever is later.

h-2-c. If the employe has not made a repayment designation to the city treasurer within 30 days following the day on which he or she is released from active duty or discharged from the hospital, repayment shall be deducted in equal monthly installments from successive payments of salary over a period not to exceed 2 years from the date on which the employe is released from active duty or discharged from the hospital, whichever is later.

h-2-d. The employe may at anytime during a period not to exceed 2 years from the date on which the employe is released from active duty or discharged from the hospital make a lump-sum payment equivalent to the total outstanding amount owed the city for compensation received under this subsection.

h-3. Separation. Any employe who leaves the service of the city due to resignation, retirement, termination, discharge or lay off, or in the event of a death not provided for in subpar. b, will have the compensation owed the city deducted from the final pay check.

h-3-a. In the event the employe's last pay check is for an amount less than the amount of compensation owed the city, the employe shall comply with the terms and conditions of the promissory note executed by the employe pursuant to par. f-2 to repay the balance of compensation owed the city.

h-3-b. In the event of the employe's death during the performance of his or her duties as a member of a national guard unit or reserve component of the United States, any compensation owed the city by the employe under this subsection shall not be collected by the city if the cause of death is directly attributable to military action which occurred as part of Operation Enduring Freedom or Operation Iraqi Freedom.

h-4. Disability. h-4-a. In the event the employe suffers a service-connected disability which is rated 10% or greater disabling by the United States veterans administration, and the cause of the disability is directly attributable to military action which occurred as part of Operation Enduring Freedom or Operation Iraqi Freedom, any compensation owed the city by the employe under this subsection shall be reduced by the percentage of disability suffered by the employe as stated in the most recent disability award letter issued by the United States veterans administration.

h-4-b. The employe shall notify the department of employe relations whenever there is a change in the percentage of disability as stated in any disability award letters issued by the United States veterans administration. The employe shall make this notification in writing within 5 days after the change occurs.

h-5. The amount of compensation received by the employe under this subsection shall not be included in determining pension benefits or other fringe benefits.

i. Expiration of Eligibility. The eligibility of a permanent full time city employe to continue to receive his or her city pay as provided in this subsection shall expire under any of the following circumstances:

i-1. The last day of the pay period in which the national guard or reserve member is released from active duty.

i-2. No later than 90 days following the day for which the national guard or reserve member first received his or her city pay while on a military leave of absence.

i-3. On December 31, 2003.

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: _____

LRB03035-2

RGP

3/26/03