



## Legislation Text

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**File #:** 111275, **Version:** 1

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111275  
SUBSTITUTE 1

### THE CHAIR

A substitute ordinance relating to revisions of chapter 350 for purposes of correcting errors, clarifying language and eliminating obsolete provisions.

350-1-1 am  
350-1-3 am  
350-2-2 rc  
350-3-3 am  
350-4-1 rp  
350-4-2 rn  
350-4-2 cr  
350-35-2-a am  
350-35-5-a am  
350-35-5-c rp  
350-37-2-a am  
350-37-5 rp  
350-37-8 am  
350-37-15-a am  
Subch. 4 of ch. 350 (title) am  
350-40-1-a am  
350-40-3-a-1-i cr  
350-40-4 am  
350-40-12 cr  
350-45-2-h rp  
350-90-6 rp  
350-90-7 rn  
350-92-5 cr  
350-94 am  
350-110 rp  
350-183-1 am  
350-183-3 am  
350-204 am  
350-205-2 am  
350-237-3-b am  
350-237-3-c am

This ordinance revises provisions of the code of chapter 350 for purposes of correcting errors, clarifying language and eliminating obsolete provisions. Included in the corrections is an increase in the annual safety work shoe allowance from \$125 to \$130 for employees required to wear approved

safety shoes.

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

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

**350-1. Definitions.** In this chapter, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

**1. HOLIDAY**, except as specifically covered by other provisions of the code ~~[[such as those pertaining to or for employees represented by a collective bargaining unit,]]~~ means:

- a. New Year's Day - January 1.
- b. Good Friday.
- c. Memorial Day - Last Monday in May.
- d. Independence Day - July 4.
- e. Labor Day - The 1st Monday in September.
- f. Thanksgiving Day - The 4th Thursday in November or the day appointed by the governor of Wisconsin as a day of public thanksgiving in each year.
- g. The day after Thanksgiving Day.
- h. Christmas Day - December 25.
- i. The last normal work day before Christmas Day.
- j. The last normal work day before New Year's Day.
- k. Dr. Martin Luther King Jr.'s birthday - the 3rd Monday in January.

Part 2. Section 350-1-3 of the code is amended to read:

**3. TIME AND ONE-HALF** means compensation per hour worked, determined by dividing the biweekly rate by 80 and multiplying by 1.5, unless otherwise provided >> consistent with the fair labor standards act<<.

Part 3. Section 350-2-2 of the code is repealed and recreated to read:

**350-2. Holidays, General Provisions.**

**2. EXCEPTION.** Fire equipment dispatchers shall receive 11 days off in lieu of holidays or holiday pay.

Part 4. Section 350-3-3 of the code is amended to read:

**350-3. Uniform Overtime Policies.**

**3. RATE.** Overtime shall be compensated, whether as cash or compensatory time, at >> time and one-half<< the rate at which it was earned.

Part 5. Section 350-4-1 of the code is repealed.

Part 6. Section 350-4-2 of the code is renumbered 350-4-1.

Part 7. Section 350-4-2 of the code is created to read:

**350-4. General Overtime Procedures and Regulations.**

**2. EARNED OVERTIME UPON SEPARATION.** All earned overtime, whether earned as cash or

compensatory time, shall be paid as cash upon separation from city service.

Part 8. Section 350-35-2-a of the code is amended to read:

**350-35. Leave of Absence Policies.**

**2. RUNNING FOR POLITICAL OFFICE.**

a. Candidacy. Any ~~[[exempt or nonexempt]]~~ city employee may be a candidate for any political office and may actively campaign therefore without jeopardizing his or her employment with the city.

Part 9. Section 350-35-5-a of the code is amended to read:

**350-35. Leave of Absence Policies.**

**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 ~~[[general]]~~ 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 8-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. 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 10. Section 350-35-5-c of the code is repealed.

Part 11. Section 350-37-2-a of the code is amended to read:

**350-37. Sick and Disability Leave.**

**2. ACCUMMULATIVE BASIS.**

a. Every permanent employee shall be granted sick and disability leave with pay at the rate of 3.7 work hours for each 2 weeks of service. The unused balance of sick and disability leave allowance shall be accumulated to the employee's credit up to 120 working days or 960 hours. >>Employees having accumululated a balance of greater than 960 hours as of January 1, 2012, shall be allowed to retain their balance but shall not be granted additional leave until their balance falls below 960 hours.  
<<

Part 12. Section 350-37-5 of the code is repealed.

Part 13. Section 350-37-8 of the code is amended to read:

**8. INJURY PAY.** ~~[[When an]]~~ >>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 14. Section 350-37-15-a is amended to read:

**15. SICK LEAVE CONTROL INCENTIVE PROGRAM.**

a. For each trimester period for which an individual employee has not used any sick leave ~~[[or]]~~ >>,<< ~~injury leave~~ ~~[[or]]~~ >> been absent because of disciplinary actions >>or been on unpaid leave <<, the employee shall earn 8 hours of special incentive leave, provided that the employee has a minimum of 12 days sick leave accumulation in his or her account prior to the trimester period. An employee shall maintain eligibility for a trimester sick-leave benefit if he or she suffered a verifiable lost-time work-related injury and returned to work for the next regularly-scheduled work shift following the occurrence of the injury.

Part 15. Subchapter 4 of ch. 350 (title) of the code is amended to read:

VACATIONS ~~[[AND SHIFT DIFFERENTIAL]]~~

Part 16. 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. For this time spent to count as active service for vacation purposes, the time, together with any ~~[[authorized unpaid leaves of absence and]]~~ 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.

Part 17. Section 350-40-3-a-1-i of the code is created to read:

**3. TIME EARNED FOR ANNUAL VACATION PERIOD.**

a. Full Time Employees.

a-1-i. Transitional vacation accounts shall be created and maintained according to guidelines developed by the department of employee relations.

Part 18. Section 350-40-4 of the code is amended to read:

**350-40. Vacations.**

**4. UNEARNED TIME DEDUCTIBLE.** Vacation taken before the full amount has been earned shall be considered time owed the city until it is earned. An employee ~~[[who has completed one year of vacation-eligible service]]~~ may borrow up to 80 hours of vacation before it is earned >>at the

discretion of the department head<<. In no case may an employee's vacation account balance be less than 80 negative hours. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, layoff or death will have the compensation for vacation time owed the city deducted from the final paycheck. Any employee who leaves the service of the city due to resignation, retirement, layoff or death or who takes military leave will be paid for earned vacation time that has accumulated. Discharged employees are not entitled to pay for accumulated vacation time.

Part 19. Section 350-40-12 of the code is created to read:

**12. EARNED VACATION UPON SEPARATION.** Employees eligible for payment of earned vacation upon separation from city service shall be paid in cash for such earned vacation.

Part 20. Section 350-45-2-h of the code is repealed.

Part 21. Section 350-90-6 of the code is repealed.

Part 22. Section 350-90-7 of the code is renumbered 350-90-6.

Part 23. Section 350-92-5 of the code is created to read:

**350-92. Police Department: Uniform and Clothing Allowance.**

**5. PAYMENTS NOT TO AFFECT PENSION.** Payments made under this section shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

Part 24. Section 350-94 of the code is amended to read:

**350-94. Safety Shoe Allowance.** Employees working in a classification which management has determined requires the wearing of approved safety shoes shall be eligible for the standard safety shoe allowance of ~~[[ \$125 ]]~~ >> \$130 << annually for the reimbursement of the purchase of safety shoes. Payments made under this section shall not be construed as being part of an employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

Part 25. Section 350-110 of the code is repealed.

Part 26. Section 350-183-1 of the code is amended to read:

**350-183. Private Transportation Reimbursement.**

**1. AUTHORIZATION.** Proper city officers are authorized to reimburse city officials and employees occupying positions designated in the positions ordinance as being eligible to be paid for the use of their private automobiles on city business when at the discretion of the department head it is necessary that such automobiles be used on city business. ~~[[ Effective June 13, 2010, departments ]]~~ >> Departments << shall adhere to the administrative guidelines for automobile and travel allowance ~~[[ for management pay plan employees ]]~~.

Part 27. Section 350-183-3 of the code is amended to read:

**3. MILEAGE REPORT.** The authorized employee or official incurring mileage on his or her private automobile in the conduct of official business for the city shall submit a record of mileage incurred on city business during the month and attest to the accuracy of the mileage through the online program "City Time" and comply with a specific timetable for entering the data and for approval by the department head or designee that has been provided by the comptroller's office. The applicable rate for mileage shall be the IRS travel reimbursement rate~~[[, which is \$0.50 per mile for 2010]].~~

Part 28. Section 350-204 of the code is amended to read:

**350-204. Direct Deposit for ~~[[Certain]]~~ City Employees.** Each employee who is capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

Part 29. Section 350-205-2 of the code is amended to read:

**350-205. Flexible Spending Account.**

**2. ELIGIBILITY.** City ~~[[management and nonrepresented]]~~ employees eligible for benefits shall be eligible for participation in the flexible spending account plan. ~~[[Other employees shall be eligible in accordance with applicable collective bargaining agreements.]]~~ In order to participate, employees must file a written election.

Part 30. Section 350-237-3-b of the code is amended to read:

**350-237. Exclusion from Benefits.**

**3. BENEFITS PROVIDED.**

b. City laborers (seasonal) ~~>>and operations driver/workers who have not completed 2,080 hours of employment<<~~ shall be eligible for the following employee benefits upon appointment:

- b-1. Salary increments.
- b-2. Overtime in cash or compensatory time-off.
- b-3. Workers' compensation.
- b-4. Pay during time-off for military induction examinations.
- b-5. Call-in pay.
- b-6. Medical benefits.
- b-7. Vacation pay. Employees may take vacation time earned after working 2,080 hours.

Part 31. Section 350-237-3-c of the code is amended to read:

c. City laborers (seasonal) ~~[[shall]]~~ ~~>>who<<~~ become city laborers (regular) after completing 2,080 hours of work and ~~>>operations driver/workers who have completed 2,080 hours of employment<<~~ shall become eligible for the following additional employment benefits:

- c-1. Sick leave with pay. The 6-month waiting period shall be waived.
- c-2. Injury pay.
- c-3. Holiday pay.
- c-4. Shift differential pay.
- c-5. Weekend differential pay.
- c-6. Jury duty with pay.

- c-7. Military training leave of absence with pay.
- c-8. Dental insurance.
- c-9. Group life insurance.
- c-10. Retirement benefits.
- c-11. Sick leave incentive program.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

Department of Employee Relations

LRB136602-2

Mary E. Turk

1/30/2012

clerical correction -- 3/22/12 -- lp