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Sponsors: THE CHAIR

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041077
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to benefits for management employees.

350-35-5-a am

350-37-17-b am

350-37-17-c am

350-40-2-a-1 am

This ordinance amends funeral leave, vacation and sick leave control benefits for management employees:

1. A spouse's sibling's spouse is included in the definition of brother-in-law and sister-in-law, thereby affording up to 3 work days with pay for funeral leave.
2. An employee may be permitted to take vacation prior to 6 months of active service, as the employee accrues vacation hours.
3. An employee who has earned 3 sick leave incentive days in a fiscal year shall earn an additional 8

hours of special incentive leave (cash may not be taken as a substitute).
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 350-35-5-a of the code is amended to read:

350-35. Leave of Absence Policies.

5. FUNERAL LEAVE. a. Immediate Family Except for those positions listed in par. c, funeral leave shall cover necessary absence from duty of general city employees because of death in the immediate family of the employee. "Immediate family" is defined as husband or wife, child, stepchild, brother, sister, parent, stepparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, or grand-child of the employee. >>Also, effective January 2, 2005 for management employees, "brother-in-law and "sister-in-law" includes a spouse's sibling's spouse.<< For management and nonmanagement, nonrepresented employees, "immediate family" also includes stepparents and stepchildren by virtue of the employee's current spouse. Furthermore, eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. Effective January 1, 2002, for management and nonmanagement, nonrepresented employees, "immediate family" shall include an employee's domestic partner, if the domestic partnership is registered with the city clerk as provided in s. 111-3. In the case of a death in the immediate family, an employee may be granted a leave of absence not to exceed 3 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 grandparents of the employee. The provisions of this subsection do not govern fire and police department positions, employees holding positions represented by a certified bargaining unit, except those positions included in s. 350-237.

Part 2. Section 350-37-17-b and c of the code is amended to read:

350-37. Sick and Disability Leave.

17. MANAGEMENT SICK LEAVE CONTROL INCENTIVE PROGRAM.

b. ~~[[Special incentive leave time earned in trimester 1 (pay period 1-9) or trimester 2 (pay period 10-18) shall be utilized by December 31 of the calendar year in which it is earned. Special incentive leave time earned in trimester 3 (pay period 19-27) shall be utilized during the ensuing calendar year. Effective the second trimester of 1993, special]] >>Special<< incentive leave time earned in trimester 1 may be used in trimester 2 or 3 of the same fiscal year; special incentive leave time earned in trimester 2 may be used in trimester 3 of the same fiscal year; and special incentive leave time earned in trimester 3 may be used in trimester 1, 2 or 3 of the following fiscal year. >>Effective pay period 1, 2005, an employee shall earn an additional 8 hours of special incentive leave if that employee has earned 3 sick leave incentive days in a fiscal year. This additional 8 hours must be used by the end of the following fiscal year.<<~~

c. Special incentive leave time shall be added to the vacation leave account of the employee as it is earned. Special incentive leave time shall be administered like vacation and shall be subject to scheduling approval by the department head. The employee may elect to take cash in lieu of time off >>for the first 3 special incentive leave days earned in a fiscal year<<.

Part 3. Section 350-40-2-a-1 of the code is amended to read:

350-40. Vacations.

2. ELIGIBILITY. a. General Eligibility Requirements.

a-1. Eligibility for a vacation shall begin after completion of 12 months of active service following appointment >>except as otherwise provided in some labor agreements<<. A department head may permit an employee to take vacation after 6 months of active service if the convenience of the service is promoted and if that employee is expected to complete a full year of service. >>Also, effective pay period 1, 2005, management employees may be allowed at the discretion of the department head to

use vacation within the first 12 months of employment if the convenience of the service would be promoted.<< However, if the employe leaves the service of the city before the completion of the initial 12 month period, that vacation shall be deemed unearned and payments made during the vacation period shall be deducted upon termination of employment. Employees who are not expected by the department head to work 12 consecutive months shall be eligible for vacation only after completing 12 months of service.

Part 4. If common council file number 041080, an ordinance relating to benefits for nonmanagement, nonrepresented employes, is passed on the same date as common council file number 041077, with substantially the same text amendments, affecting the same code provision, the legislative reference bureau is authorized to consolidate and standardize such amendments in that provision.

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: _____

LRB04480-3

BJZ/cac

12/13/2004