



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
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<b>On agenda:</b>		<b>Final action:</b>	7/31/2018
<b>Effective date:</b>			
<b>Title:</b>	A substitute ordinance relating to various employee benefit code provisions.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	EMPLOYEE BENEFITS		
<b>Attachments:</b>	1. Cover Letter, 2. Fiscal Impact Statement, 3. Hearing Notice List, 4. Notice Published on 8-16-18		

Date	Ver.	Action By	Action	Result	Tally
7/10/2018	0	COMMON COUNCIL	ASSIGNED TO		
7/19/2018	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
7/20/2018	1	CITY CLERK	DRAFT SUBMITTED		
7/25/2018	1	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
7/31/2018	1	COMMON COUNCIL	PASSED	Pass	13:0
8/9/2018	1	MAYOR	SIGNED		
8/16/2018	1	CITY CLERK	PUBLISHED		

180501  
SUBSTITUTE 1

### THE CHAIR

A substitute ordinance relating to various employee benefit code provisions.

350-2-2.5 cr  
350-3-5 am  
350-3-5.5 rc  
350-37-1-b rc  
350-40-1-a am  
350-40-12 am

This ordinance:

1. Establishes a floating holiday, or holiday pay, for certain department of public works employees in lieu of the New Year's Eve holiday.
2. Expands overtime to hours worked by all eligible department of public works employees, as determined by the commissioner of public works, in response to an emergency call-out outside of the employee's regularly scheduled hours.
3. Expands overtime to hours worked by certain eligible water works employees in response to an emergency call-out for shift replacement and shift extensions, as required by a department

directive due to unexpected staffing shortage.

4. Provides that shift extensions worked by eligible fire department-technical services division civilian employees, as required by a department directive due to a staffing shortage, shall be considered overtime.
5. Increases the paid time allowed for medical/dental appointments from three 2-hour absences to a maximum of 8 hours per calendar year, and expands the policy to include attendance at city workplace clinic appointments and the annual health appraisal.
6. Provides that an employee's or public official's time spent as an elected official shall count towards the employee's or public official's active service vacation calculation.
7. Prohibits granting a request by a separating employee to use vacation leave to extend the employee's time on payroll.

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

Part 1. Section 350-2-3.5 of the code is created to read:

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

**2.5. PUBLIC WORKS.** a. Floating holiday. As determined by the commissioner of public works, employees assigned to the sanitation services section or the fleet services dispatch section may receive one day off per calendar year in lieu of the New Year's Eve holiday or holiday pay, earned at the rate of 0.0835 hours for each calendar month of active service during that calendar year. This holiday time-off shall be taken in the following calendar year.

b. Computation. For calculating holiday pay under par. a, an employee on the department of public works payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month. If an employee is on the department of public works payroll for less than 14 days in a calendar month, exclusive of mandatory furlough time, the employee shall be deemed as not having been on the payroll during the calendar month.

Part 2. Section 350-3-5 of the code is amended to read:

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

**5. HOLIDAYS.** All hours worked on a holiday as specified under s. 350-1>>, s. 350-2-2-a or s. 350-2-2.5<< by an eligible, fair labor standards non-exempt employee shall be considered overtime.

Part 3. Section 350-3-5.5 of the code is repealed and recreated to read:

**5.5. EMERGENCY OVERTIME WORK.** a. Public Works. As determined by the commissioner of public works, hours worked by an eligible department of public works employee, in response to an emergency call-out, or as a result of an emergency call-out, that is outside of the employee's regular work schedule, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

b. Water Works. Hours worked by an eligible water works employee shall be considered overtime in accordance with applicable provisions of the salary ordinance as follows:

b-1. Hours worked by a plant operations employee in response to an emergency call-out for a shift replacement.

b-2. Additional hours worked by a plant operations employee following the employee's scheduled

work shift, as required by a department directive due to an unexpected staffing shortage.

b-3. Hours worked by a distribution section employee in response to an emergency call-out for water main repairs, if performed outside of the employee's regular work schedule.

c. Pension-eligible Overtime Hours. The city comptroller shall report overtime hours worked by an eligible department of public works employee due to an emergency call-out, or hours worked by an eligible water works distribution section employee in response to an emergency call-out for water main repairs, to the employees' retirement system. Up to a maximum of 80 straight-time hours at straight-time rates of pay shall be reported in pay periods in which an employee is compensated for less than 80 straight-time hours due to work performed as a result of an emergency call-out.

d. Milwaukee Police Department-Technical Communications Division. Additional hours worked by an eligible Milwaukee police department-technical communications division civilian employee following the employee's scheduled work shift, as required by a department directive in response to an unexpected staffing shortage, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

e. Milwaukee Fire Department Technical Services Division. Additional hours worked by an eligible Milwaukee fire department technical services division civilian employee following the employee's scheduled work shift, as required by a department directive in response to an unexpected staffing shortage, shall be considered overtime in accordance with applicable provisions of the salary ordinance.

Part 4. Section 350-37-1-b of the code is repealed and replaced to read:

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

#### **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, without reporting the absence as paid sick leave, up to a maximum of 8 hours during a calendar year.

Part 5. Section 350-40-1-a of the code is amended to read:

**350-40. Vacations. 1. DEFINITION.** 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 in 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 6. Section 350-40-12 of the code is amended to read:

**12. EARNED VACATION UPON SEPARATION.** Any employee who leaves the service of the city due to resignation, retirement, layoff or death or who takes military leave shall be paid for earned vacation

time that has accumulated. Discharged employees shall not be entitled to pay for accumulated vacation time. Employees eligible for payment of earned vacation upon separation from city service shall be paid in cash for such earned vacation. >>No request by an employee to use vacation time to extend the employee's time on the city payroll shall be granted.<<

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  
Dana J. Zelazny  
LRB171730-2  
July 20, 2018