



## Legislation Text

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File #: 030091, Version: 2

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030091  
SUBSTITUTE 2

ALD. BOHL

A substitute ordinance establishing an accrued time-off donor program for eligible permanent full-time city employes on certain military leaves of absence.

350-36-2.5 rn

350-36-3 rn

350-36-4 rn

350-36-6 cr

This ordinance establishes a citywide accrued time-off donor program for the purpose of enabling eligible permanent full-time city employes who are on military leaves of absence and have exhausted all of their accrued time off to receive donations of accrued time off from other city employes.

Eligibility to receive donations of accrued time off is restricted to military leaves of absence of periods of more than 15 successive calendar days for which permanent full-time employes of the city are called to, or volunteer for, active duty for the performance of their duties as members of national guard units and reserve components of the United States military.

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

Part 1. Section 350-36-2.5 to 4 is renumbered 350-36-3 to 5.

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

### **350-36. Military Leave.**

#### **6. ACCRUED TIME-OFF DONOR PROGRAM FOR MILITARY LEAVES OF ABSENCE.**

a. Definition. In this subsection:

a-1. "Military leave of absence" means a period of more than 15 successive calendar days for which permanent full time employes of the city are called to, or volunteer for, active duty for the performance of their duties as members of national guard units and reserve components of the United States military.

a-2. "Accrued time off" means earned vacation time, transitional vacation account time, compensatory time off, "09" days and time off in lieu of holidays, and shall not include any accumulated normal and special sick and disability leave.

b. Established. There is established a city-wide accrued time-off donor program administered by the department of employe relations to provide income protection to eligible permanent full-time employes who are on military leaves of absence and have exhausted all of their own accrued time off, as defined in this subsection.

c. Donation rules. c-1. Employees interested in donating accrued time off shall complete a "Notification Of Intent to Donate Time" form developed by the department of employee relations.

c-2. Each request to donate time shall specify only one employee to receive the donation. A separate "Notification Of Intent To Donate Time" form must be completed for each employee to whom time is being donated.

c-3. Employees may donate accrued time off in 8-hour increments only.

c-4. The decision to donate time cannot be rescinded once the " Notification Of Intent To Donate Time" form has been received by the department of employee relations.

c-5. Employees donating accrued time off shall not have any time returned if the employee to whom time is donated does not utilize the entire donation.

c-6. The employee donating time shall be notified by his or her department when the donation has been approved by the department of employee relations.

c-7. The type of accrued time off eligible for donation shall be limited to earned vacation time, transitional vacation account time, compensatory time off, "09" days and time off in lieu of holidays, and shall not include any accumulated normal and special sick and disability leave.

c-8. Employees may donate no more than 40 hours of accrued time off per calendar year.

c-9. Bargaining unit employees are ineligible to donate accrued time off until such time their unions execute a memorandum of understanding that allows such donations.

d. Recipients' eligibility criteria and rules. d-1. Eligible employees may receive donations of 2,080 hours per military leave of absence, as defined in this subsection, from any qualified city employee regardless of department or union affiliation.

d-2. Employees qualified to receive donations of accrued time off, or their appropriate authorized agents, must complete an "Application for Accrued Time-Off Donor Program" form, which shall be available from the department of employee relations.

d-3. The employee, or his or her authorized agent, shall be responsible for completing the application. No determination regarding eligibility to receive donated time shall be made until the department of employee relations has received a completed application. d-4. An employee shall not be eligible to receive accrued time off unless and until he or she has exhausted all of his or her own accrued time off.

d-5. Although the decision of the department of employee relations respecting eligibility shall be final, employees who are denied this benefit shall be entitled to a written explanation as to why they did not qualify for participation in the program.

d-6. Employees eligible to participate in the program and receive donations of time shall be so notified by the department of employee relations.

d-7. In the event the employee does not utilize the entire donation, any remaining time shall revert to the city. Donated time may only be used to cover absences during the period this policy is in effect; however, any employee previously approved under this section prior to the date of program expiration specified in par. h shall be allowed to utilize this program for the maximum permissible hours identified in this subsection if such hours become available.

d-8. Employees receiving donations of time may request, in writing, to be notified of the names of employees who donate time for their use.

d-9. Payments received under this program are considered wages and, under current internal revenue service guidelines, are to be included in the employee's W-2 reporting.

d-10. Bargaining unit employees are ineligible to receive donations of accrued time off until such time their unions execute a memorandum of understanding that allows members to receive such

donations.

e. Participation by employe unions. e-1. City employe unions shall have until 60 days after the effective date of this section adopting a program to sign memoranda of understanding enabling their members to participate in this program. No bargaining unit employe may participate in this program unless and until his or her union signs a memorandum of understanding enabling such participation. Such agreement does not constitute a waiver of rights under the Wisconsin Municipal Employment Relations Act.

e-2. Disputes arising from the administration of this benefit are not subject to grievance procedures, and memoranda of understanding shall be signed by each participating union to that effect.

e-3. This program shall constitute the sole means by which employes may donate and receive accrued time off in cases of military leaves of absence, as defined in this subsection.

f. Workforce notification. Upon confirmation of eligibility, and at the recipient employe's request, the department of employe relations shall provide each department with pertinent information regarding the recipient employe for the purpose of communicating the need for donations to other employes.

g. Report. The department of employe relations shall report quarterly to the finance and personnel committee of the common council detailing program administration and utilization, including the number of requests, approvals and denials.

h. Duration. This program shall expire for affected bargaining unit, nonmanagement-nonrepresented and management employes if and when a successor benefit which addresses the need for income protection in situations of military leaves of absence is established.

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: \_\_\_\_\_

LRB03145-3

RGP

6/6/03