



Legislation Text

File #: 970691, **Version:** 0

970691

ORIGINAL

ALD. HENNINGSEN

An ordinance relating to funeral leave and health insurance benefits for qualified domestic partners of city officers and employees.

350-30-5.5 cr

350-35-5-a am

350-35-5-c-2-a am

350-35-5-c-3 am

350-37-12-d-1 am

350-37-12-d-2 am

350-37-12-e-1 am

350-251 cr

- Analysis -

This ordinance provides for city health insurance and funeral leave benefits for the "qualified domestic partners" of city employees. A qualified domestic partner is an individual who, together with a city employe, files an affidavit of domestic partnership with the department of employe relations. The affidavit states that the individuals are sole domestic partners, responsible for each other's common welfare, are of the same sex, are unmarried, are at least 18 years old, reside together and jointly own such items as a motor vehicle, credit or checking account or residential lease. A new

affidavit of domestic partnership cannot be filed until 12 months after filing an affidavit with a different partner.

The ordinance specifically requires all contracts for health care and insurance for city employees to provide the same benefits for "qualified domestic partners" as are provided for the spouses of city employees. The ordinance provides funeral leave for employees on the death of their qualified domestic partner on the same terms as funeral leave on the death of a spouse. When funeral leave is provided for parents-in-law or children-in-law, the ordinance provides the same leave for the death of a parent or child of a qualified domestic partner.

The ordinance requires any person who knowingly submits false information in connection with a domestic partner affidavit to repay the city any expenses incurred because of the falsehood. A city employee who knowingly submits false information may be subject to city and departmental disciplinary action.

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

Part 1. Section 350-30-5.5 of the code is created to read:

350-30. Hospital and Surgical Care Insurance.

5.5. QUALIFIED DOMESTIC PARTNERS. a. All contracts for the purchase of hospital and surgical care for

employees and officers of the city shall provide the same benefits and coverage for the qualified domestic partners of city officers and employees as are available to the spouses of city officers and employees. "Qualified domestic partners" means individuals who have filed an affidavit of domestic partnership under s. 350-251.

Part 2. 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 >>or the death of the employee's qualified domestic partner<<. "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. For management and nonmanagement, nonrepresented employees, "immediate family" also includes stepparents and stepchildren by virtue of the employee's current spouse. >>A "qualified domestic partner" is an individual who has filed an affidavit of domestic partnership under s. 350-251.<< Furthermore, eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. In the case of a death in the immediate family >>or the death of a qualified domestic partner<<, 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 3. Section 350-35-5-c-2-a of the code is amended to read:

c. Funeral Leave for Certain Unrepresented Noncivilian Fire Department Management Employees.

c-2. Definitions.

c-2-a. "Funeral leave" means absence from duty because of death of a family member [[or]] >>, << relative >> or qualified domestic partner. A "qualified domestic partner" is an individual who has filed an affidavit of domestic partnership under s. 350-251. <<

Part 4. Section 350-35-5-c-3 of the code is amended to read:

c-3. Benefits. c-3-a. An eligible employee covered by this paragraph shall be granted funeral leave with pay because of death in his or her immediate family >> or the death of his or her qualified domestic partner << for the time period beginning with the time

of death and including the day of the funeral. The maximum amount of funeral leave with pay for each instance of death in the immediate family >>or of a qualified domestic partner<< shall be 2 work days for an employee whose normal hours of work exceed 40 hours per week, and 3 work days for an employee whose normal hours of work average 40 hours per week.

c-3-b. An eligible employee covered by this paragraph shall also be granted funeral leave with pay because of the death of his or her mother-in-law, father-in-law, son-in-law [[or]] >>, << daughter-in-law >>or the parent or child of his or her qualified domestic partner<<, but such funeral leave with pay shall be limited to the day of the funeral.

Part 5. Section 350-37-12-d-1 and 2 of the code is amended to read:

350-37. Sick and Disability Leave.

12. POLICE DEPARTMENT SICK AND DISABILITY PAY.

d. Funeral Leave. d-1. Funeral leave as provided in this paragraph is expressly for attending the funeral of a family member [[or]] >>, << relative >>or qualified domestic partner. A "qualified domestic partner" is an individual who has filed an affidavit of domestic partnership under s. 350-251.<<

d-2. Employees shall be granted leave of absence not to exceed 3 days with pay, in case of death of a wife, husband, child, father, mother, sister [[or]] >>, << brother >>or qualified domestic partner<<, and not more than one day with pay in case of death of

mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandchild
[[or]] >>, << employe's grandparents >> or the parent or child of an employe's qualified domestic partner <<. Employes entitled to the death-in-family >> or qualified domestic partner << benefits shall be allowed up to one day with pay of travel time if the site of the funeral is outside of the "no travel time zone" described on the map attached to common council File #83-993. In order to become eligible for travel time, employes must submit satisfactory evidence to the police department administration indicating that they attended the funeral and that the site of the funeral was outside of the "no travel time zone." An employe eligible for the leave with pay provided under this subdivision may only use that leave during the 10 consecutive calendar day period immediately following the date of the death that occasioned the employe's request for the leave.

Part 6. Section 350-37-12-e-1 of the code is amended to read:

e. Illness in Family >> or Domestic Partner <<.
e-1. A leave of absence, with pay for one day, may be granted by a commanding officer to any member of his or her command in case of serious illness in his or her immediate family >>, his or her qualified domestic partner << or other extraordinary emergency.

Part 7. Section 350-251 of the code is created to read:

350-251. Qualified Domestic Partners. 1. A

qualified domestic partner is an individual who has filed with the department of employee relations an "affidavit of domestic partnership" together with a city officer or employee in which they attest that:

a. They are each other's sole domestic partner and are responsible for each other's common welfare.

b. Each partner is at least 18 years of age, neither partner is married and the partners are not related by blood closer than would bar marriage in Wisconsin.

c. The partners are the same sex and they reside at the same residence.

d. The city officer or employee has not filed an affidavit of domestic partnership with another individual within the immediately preceding 12 months.

f. Two of the following conditions exist for the partners:

f-1. The partners have been residing together for at least 12 months prior to filing the affidavit of domestic partnership.

f-2. The partners have common or joint ownership of a residence.

f-3. The city officer or employee declares that the domestic partner is identified as a primary beneficiary in the officer or employee's will.

f-4. The partners have at least 2 of the following arrangements:

f-4-a. Joint ownership of a motor vehicle.

f-4-b. A joint credit account.

f-4-c. A joint checking account.

f-4-d. A lease for a residence identifying both domestic partners as tenants.

g. Each partner agrees to notify the department of employe relations whenever the domestic partnership is terminated or there is any other change in the circumstances which have been attested to in the affidavit of domestic partnership or any documents submitted in support of the affidavit of domestic partnership.

2. Any person who knowingly submits false information in connection with an affidavit of domestic partnership shall repay to the city any expenses incurred by the city because of the false information. A city officer or employe who knowingly submits false information in connection with his or her affidavit of domestic partnership may be subject to disciplinary action according to city and departmental personnel rules and procedures.

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: _____

LRB97446.1

CAW

7/22/97ths prior to filing the affidavit of
domestic partnership.

f-2. The partners have common or joint ownership of a
residence.

f-3. The city officer or employe declares that the
domestic partner is identified as a primary
beneficiary in the officer or employe's will.

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arrangements:

f-4-a. Joint ownership of a motor vehicle.

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g. Each partner agrees to notify the department of employe relations whenever the domestic partnership is terminated or there is any other change in the circumstances which have been attested to in the affidavit of domestic partnership or any documents submitted in support of the affidavit of domestic partnership.

2. Any person who knowingly submits false information in connection with an affidavit of domestic partnership shall repay to the city any expenses incurred by the city because of the false information. A city officer or employee who knowingly submits false information in connection with his or her affidavit of domestic partnership may be subject to disciplinary action according to city and departmental personnel rules and procedures.

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