



## Legislation Text

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**File #:** 021793, **Version:** 1

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### 021793 SUBSTITUTE 1

#### THE CHAIR

A substitute ordinance relating to employee benefits for nonrepresented, noncivilian fire management employees.

350-35-5-c-1	rc
350-35-5-c-2-b	am
350-35-5-c-3	rc
350-37-13-d-4	am
350-40-16-a	rc
350-40-16-b-3-0	rc
350-40-16-b-3-b	am
350-40-16-b-3-c	am
350-40-16-b-3-d	am
350-40-16-b-4	rp
350-40-16-b-5-b	am
350-40-16-b-5-c	am
350-40-16-b-5-d	am
350-40-16-b-14	am
350-91-1-0	am
350-91-1-b	am
350-141	rp
350-147-3	rp
350-147-4	rn
350-147-5	rn
350-147-6	ra
350-149-1-d	am
350-149-2	rc
350-149-3-a	rc
350-149-3-d	rc
350-150	cr

This ordinance modifies various employee benefits for nonrepresented, noncivilian fire management employees similar to those recently modified for fire department employees represented by Local 215, IAFF.

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

Part 1. Section 350-35-5-c-1 of the code is repealed and recreated to read:

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

## 5. FUNERAL LEAVE.

c. Funeral Leave for Certain Unrepresented Noncivilian Fire Department Management Employees. c-1. Eligibility. Effective March 1, 1985, employees in the following position classifications shall be eligible to receive funeral leave benefits as hereunder so long as they remain in active service in those positions:

- c-1-a. Chief dispatcher of fire alarm and telegraph.
- c-1-b. Battalion chief, vehicle operations.
- c-1-c. Battalion chief, fire.
- c-1-d. Deputy chief, fire.
- c-1-e. Assistant fire chief.
- c-1-f. Fire chief.

Part 2. Section 350-35-5-c-2-b of the code is amended to read:

c-2. Definitions.

c-2-b. "Immediate family" means the employee's spouse, brother, sister, parent or child, ~~[[including his or her foster parents and foster children,]]~~ >> mother-in-law, father-in-law, son-in-law, daughter-in-law, << and the employee's grandparents or grandchildren.

Part 3. Section 350-35-5-c-3 of the code is repealed and recreated to read:

c-3. Benefits. An eligible employee covered by this paragraph shall be granted funeral leave with pay because of death in his or her immediate family 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 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.

Part 5. Section 350-37-13-d-4 of the code is amended to read:

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

## 13. FIRE DEPARTMENT EMPLOYEES.

d. Sick Leave Control Incentive Payments for Nonrepresented, Noncivilian Management Employees.

d-4. Payments. ~~[[In]]~~ >> Effective trimester 1, 2003, in << each of the trimester periods set forth in subd. 2 that an employee is eligible for a sick leave control incentive payment as provided for in subd. 3, the employee shall be entitled to receive a lump-sum cash payment equal to ~~[[ \$150]]~~ >> \$200. <<

Part 6. Section 350-40-16-a of the code is repealed and recreated to read:

### 350-40. Vacation.

16. FIRE DEPARTMENT. a. Special Service Credit. Effective January 1, 1984, fire department employees in active service and in the following position classifications on such date shall have any time spent on duty disability pension included as years of service for purposes of computing current and prospective vacation benefits:

- a-1. Fire chief.
- a-2. Assistant fire chief.

- a-3. Deputy chief, fire.
- a-4. Battalion chief classifications.
- a-5. Chief dispatcher of fire alarm and telegraph.

Part 7. Section 350-40-16-b-3-b-0 of the code is repealed and recreated to read:

- b. Nonrepresented, Noncivilian Employees of the Fire Department.
- b-3. Time Earned Per Week. Effective calendar year 2003 and thereafter, employees in active service during a calendar year and whose normal hours of work exceed 40 hours per week shall be entitled to vacations with pay during those calendar years as follows:

Part 8. Section 350-40-16-b-3-b to d of the code is amended to read:

- b-3-b. Twelve hours of each calendar month of active service since an employee's last anniversary date up to a maximum of 144 hours per calendar year for an employee with at least 7 years but less than ~~[[16]]~~ >>12<< years of active service.
- b-3-c. Eighteen hours for each calendar month of active service since the employee's last anniversary date, up a maximum of 216 hours per calendar year for an employee with at least ~~[[16]]~~ >>12<< years but less than ~~[[23]]~~ >>20<< years of active service.
- b-3-d. Twenty-two hours for each calendar month of active service since an employee's last anniversary date up to a maximum of 264 hours per calendar year for an employee with at least ~~[[23]]~~ >>20<< years of active service.

Part 9. Section 350-40-16-b-4 of the code is repealed. (Note: the provisions being repealed read as follows:

- b-4. Time Earned for Annual Vacation Periods for Normal Hours of Work Exceeding 40 Hours per Week-1996 For calendar year 1996, employees in active service during a calendar year and whose normal hours of work exceed 40 hours per week shall be entitled to vacations with pay during that calendar year as follows:
  - b-4-a. Six hours for each calendar month of active service since an employee's last anniversary date up to a maximum of 72 hours per calendar year for an employee with less than 7 years of active service.
  - b-4-b. Ten hours for each calendar month of active service since an employee's last anniversary date up to a maximum of 120 hours per calendar year for an employee with at least 7 years but less than 16 years of active service.
  - b-4-c. Sixteen hours for each calendar month of active service since the employee's last anniversary date, up to a maximum of 192 hours per calendar year for an employee with at least 16 years but less than 23 years of active service.
  - b-4-d. Twenty hours for each calendar month of active service since an employee's last anniversary date up to a maximum of 240 hours per calendar year for an employee with at least 23 years of active service.)

Part 10. Section 350-40-16-b-5-b to d of the code is amended to read:

- b-5. Time Earned for Annual Vacation Periods for Normal Hours of Work Averaging 40 Hours Per Week.
  - b-5-b. Ten hours and 40 minutes for each calendar month of active service since an employee's last anniversary date, up to a maximum of 128 hours per calendar year for an employee with at least 7 years but less than ~~[[16]]~~ >>12<< years of active service.
  - b-5-c. Fourteen hours for each calendar month of active service since the employee's last anniversary date, up to a maximum of 168 hours per calendar year for an employee with at least ~~[[16]]~~ >>12<<

years but less than ~~[[23]]~~ >>20<< years of active service.

b-5-d. Seventeen hours and 20 minutes for each calendar month of active service since an employee's last anniversary date, up to a maximum of 208 hours per calendar year for employees with at least ~~[[23]]~~ >>20<< years of active service.

Part 11. Section 350-40-16-b-14 of the code is amended to read:

b-14. Administration. Administration and control of the provisions of this subsection shall be under the ~~[[chief engineer,]]~~ fire >>chief<<.

Part 12. Section 350-91-1-0 and b of the code is amended to read:

### **350-91. Fire Department: Uniform and Clothing Allowance.**

1. POSITIONS ELIGIBLE. ~~[[Employees]]~~ >>Effective calendar year 2002, ~~employees~~ << in active service and in the following position classifications shall be entitled to a maximum annual uniform and clothing maintenance allowance of ~~[[ \$250 effective calendar year 2001]]~~ >>\$300 (\$325 for calendar year 2003) << so long as they remain in active service with such position classifications:

b. ~~[[First assistant, chief engineer]]~~ >>Assistant fire chief<<.

Part 13. Section 350-141 of the code is repealed. (Note: the provisions being repealed read as follows:

### **350-141. Special Allowance Pay for Bureau of Instruction and Training.**

1. While assigned to the bureau of instruction and training on or after January 10, 1988, a deputy chief, fire, shall be entitled to receive a special allowance payment equal to 4% of base salary. Special allowance payments shall be made biweekly, prorated on the basis of time spent assigned to the bureau of instruction and training.

2. Payments made under this section shall not be construed as being part of the employee's base pay and shall not be included in the computation of any fringe benefits. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments.

3. When the current incumbent referred to in sub. 1, on the effective date of this subsection (effective date –December 15, 2000) , vacates this position, the special allowance pay under this section shall cease to be paid. No other employees shall be eligible for the special allowance pay under this section.)

Part 14. Section 350-147-3 of the code is repealed. (Note: the provisions being repealed read as follows:

### **350-147. Fire Company and Battalion Staffing.**

#### **3. ASSISTANT CHIEF DISPATCHER OF FIRE ALARM AND TELEGRAPH.**

When the chief engineer, fire, determines that there is an operational deficiency in the normal on-duty staffing for assistant chief dispatcher of fire alarm and telegraph, he shall correct such deficiency as

follows:

- a. If less than 5 personnel are available for duty, by assigning an off-duty assistant chief dispatcher of fire alarm and telegraph.
- b. If 5 or more personnel are available for duty by an assignment for no more than one work shift from the ranks of fire alarm dispatcher. Such an assignment shall be made from the current eligible list or, if no such list exists, from the most recently expired eligible list for assistant chief dispatcher of fire alarm and telegraph. If such an assignment cannot be made from either list, it shall be made from fire alarm dispatchers who have requested such assignment in the order of their seniority in the fire department. Compensation for such assignment shall be at the fire alarm dispatcher's next higher increment, provided that the fire alarm dispatcher so assigned serves for a full work shift.)

Part 15. Section 350-147-4 to 6 of the code is renumbered 350-147-3 to 5.

Part 16. Section 350-147-5 of the code is amended to read:

5. EFFECTIVE DATE. The terms and conditions set forth in subs. 1 to [[5]] >> 4 << shall be deemed to take effect and be in force from and after December 30, 1973.

Part 17. Section 350-149-1-d of the code is amended to read.

### **350-149. Fire Department Educational Program.**

1. POSITIONS ELIGIBLE. d. ~~[[First assistant chief engineer]]~~ >> Assistant fire chief <<.

Part 18. Section 350-149-2 of the code is repealed and recreated to read:

2. BENEFITS. a. Effective for calendar year 2003 payments an eligible employee who has attained an associate degree in fire science and technology shall receive an annual educational program payment of \$225 according to the terms and conditions set forth in sub. 3.
- b. Effective for calendar year 2003 payments, an employee who has a bachelors degree in public administration, business administration or management, psychology, nursing, personal administration or management, or an equivalent degree, such equivalency determined by the department of employe relations, shall be eligible for an annual payment of \$325, subject to the terms and conditions set forth in sub. 3.
- c. An eligible employee who has attained a masters degree in public administration, business administration or management, psychology, nursing, personnel administration or management, or an equivalent degree, such equivalency determined by the department of employe relations, shall be eligible for an annual payment of \$425, subject to the terms and conditions set forth in sub. 3.
- d. An employee who is eligible for more than one of the educational program payments provided in pars. a to c in a calendar year shall only be entitled to receive the largest of the payments for that calendar year.

Part 19. Section 350-149-3-a and d of the code is repealed and recreated to read:

3. ADMINISTRATION. a. Only degrees from colleges and universities accredited by the North Central Association of Colleges and Secondary Schools shall be eligible for the payments provided in subs. 2.
- d. An employee who has earned a degree pursuant to this section shall request that the degree-

granting institution send a report to the fire department with a statement as to the date on which the degree was conferred, the major field of study pursued, and that the institution was accredited by the North Central Association of Colleges and Secondary Schools at the time the degree was granted.

Part 20. Section 350-150 of the code is created to read:

**350-150. Recall Allowance.**

1. POSITIONS ELIGIBLE. Employees in active service at the close of the calendar year and in the following position classifications shall be eligible for annual recall allowance payments provided under this section in accordance with the terms and conditions established so long as they are in active service and in such classifications:
  - a. Chief dispatcher of fire alarm and telegraph.
  - b. Battalion chief classifications.
  - c. Deputy chief, fire.
2. COMPENSATION. Effective for calendar year 2003, an eligible employee shall receive an annual allowance of \$850.
3. ADMINISTRATION.
  - a. Payments made under this section shall be paid as soon as practical after December 31 of the year in which they earned.
  - b. An employee who separates from active service during a calendar year on account of voluntary resignation or normal service retirement shall receive recall pay prorated on the basis of active service during such calendar year, computed to the nearest month. For the purpose of prorating, an employee in active service at least 14 days in a calendar month shall be considered to have been in active service for the entire month. An employee in active service less than 14 days in a calendar month shall be considered not to have been in active service at all for such calendar month.
  - c. Payments made under this section shall not be construed as part of an employee's base salary and shall not be included in the computation of any fringe benefit.
  - d. Payments made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments.
  - e. Administration and control of this section shall be by the city.

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: \_\_\_\_\_

Employee Relations  
LRB03152-1

BJZ/cac  
4/7/2003