

SUBCHAPTER 3  
LEAVES OF ABSENCE

**350-35. Leave of Absence Policies. 1.LENGTH OF TIME; RESTRICTIONS.** No employee of the city of Milwaukee shall be granted a leave of absence with or without pay for a period of longer than one year, and no leave of absence shall be granted any such employee unless said employee has been so continuously employed for 6 months after the expiration of any previous leave of absence; provided further that this section shall not apply to any leave of absence taken on account of illness; provided further that a leave of absence granted for educational training under public laws 16 and 346 of the 78th Congress and amendments and supplements thereto, may be extended for a period of not to exceed a total continuous leave of 4 years. The provisions of this section shall not apply to leaves of absence of city officials or employees whose positions are not filled during said absence.

**2. RUNNING FOR POLITICAL OFFICE.**

a. Candidacy. Any city employee may be a candidate for any political office and may actively campaign therefore without jeopardizing his or her employment with the city.

b. Reinstatement Rights. In the case of his or her election, the elected official shall, upon request, be granted a leave of absence from his or her position of municipal employment, and the leave of absence shall carry reinstatement rights to be exercised not later than one year from the expiration of his or her elected term of office, and the reinstatement may be either to his or her position formerly held or to a position having substantially similar requirements, responsibilities and salary; provided, however, that any reinstatement may be made only to fill a vacancy and shall not be made if the effect would be to displace a regularly and permanently appointed successor. This paragraph shall apply only to personnel holding civil service positions under the control of the common council.

c. Notification. It shall be the duty of all employees affected by this subsection to forthwith advise their immediate supervisor of such political candidacy, and of such supervisor to forthwith give notice to the appropriate department.

**3. TIME-OFF FOR JURY DUTY.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in

effect, employees shall be granted time-off with pay for reporting for jury duty or jury service upon presentation of satisfactory evidence relating to this duty or service. Employees shall retain all compensation received for jury-duty service, but shall have deducted from their city pay an amount equal to the compensation received by them for jury duty, exclusive of travel pay and pay for jury duty performed on off-duty days. No greater amount of time shall be granted than necessary, and in any case, if an employee is called for jury duty and reports therefor without receiving a jury assignment for that day, or if the employee is engaged in jury duty or service for a part of a day, the employee shall, if his or her city work is available, report for the performance of city duties for the remainder of the day. If jury duty coincides with any furlough dates, the employee shall not be paid salary from the city on those dates but shall be allowed to retain jury-duty compensation.

**3.3. TIME-OFF FOR JURY DUTY; 24-HOUR SHIFTS.** A noncivilian management fire department employee shall be granted time-off with pay for reporting for jury duty or jury service as follows:

a. An employee on jury duty shall be relieved from fire duty beginning at 7 p.m. on the day proceeding his or her first day of jury duty assignment and ending at 7 a.m. on the day immediately following the last day of completion of the jury duty.

b. An employee shall not lose any of his or her vacation, holiday or paid off time-off scheduled during a period of jury duty; all such time-off shall be rescheduled by the fire department administration.

c. An employee receiving a notice to report for jury duty from the court system shall immediately notify his or her battalion chief and provide him or her with a copy of the notice. The fire chief reserves the right to request the court system to postpone an employee's jury duty to limit the number of employees off on jury duty at any one time. Prior to submitting request for postponement, the fire department administration shall notify the employee affected and, if an employee requests, explain the matter with the employee.

**3.5. TIME OFF FOR COURT SUBPOENAS.** Employees shall be granted time off with pay, upon presentation of satisfactory evidence relating to this duty, under a subpoena to appear in court during working hours with respect

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to any incident which occurred while the employees were at work. Compensation received (exclusive of travel pay) for this duty shall be immediately paid over to the city treasurer and shall be credited to the general fund; provided, however, that payment for the duty may be retained by employees for appearances made on off-duty hours. If such court subpoena appearances coincide with any furlough dates, the employee shall not be paid salary from the city on those dates, but shall be allowed to retain court subpoena appearance compensation.

**4. FIRE DEPARTMENT OFFICERS; FEDERAL SERVICE NOT TO EXCEED 5 YEARS.** Any officers of the Milwaukee fire department who shall qualify and be taken into the federal government service as chiefs or assistant chiefs of the government's fire protection service shall be granted a leave of absence for a period of one year, provided that this period of time may be extended from year to year upon filling a 30-day notice requesting an extension with the chief engineer of the Milwaukee fire department prior to the expiration of the year; but in no event shall such extended service exceed 5 years. Upon return, such employees of the fire department shall be subject to a satisfactory medical examination to be given by the medical examiners designated by the fire and police commission and, if passed by the medical examiners, be placed in the same position as now held by them.

**5. FUNERAL LEAVE.** a. Immediate Family. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, funeral leave shall cover necessary absence from duty of a city employee because of death in the immediate family of the employee. "Immediate family" is defined as husband or wife, child, stepchild, brother, sister, parent, stepparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent or grandchild of the employee. "Brother-in-law" and "sister-in-law" includes a spouse's sibling's spouse. "Immediate family" includes stepparents and stepchildren by virtue of the employee's current spouse. Eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. "Immediate family" also includes an employee's domestic partner, if the domestic partnership is registered with the department of employee relations under s. 350 245 or was registered with the city clerk as provided in s. 111-3 in effect prior

to October 30, 2009. In the case of a death in the immediate family, an employee working a regular or alternative work schedule may be granted a leave of absence not to exceed 5 8-hour work days with pay; an employee regularly working 24-hour shifts may be granted a leave of absence not to exceed 2 24-hour 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 or the day of the funeral. The work days may be used for both the death and the funeral, provided that they are used in connection with the death or the funeral. If funeral leave coincides with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

b. Verification. The director of employee relations is authorized and directed to administer the provisions of funeral leave and shall require a form approved by the city service commission to be submitted to the employee's immediate supervisor immediately after funeral leave is taken, and suitable proof, such as a copy of the obituary notice attached, and shall require notification to be given by the employee to his immediate supervisor prior to taking funeral leave.

**6. UNPAID EDUCATIONAL LEAVES OF ABSENCE.** a. Purpose. The purpose of the unpaid educational leave of absence is to provide for educational or professional development of employees. In no case shall the leave be used by the employee for purposes of pursuing other paid employment.

b. Eligibility. Employees with at least 5 years of service shall be eligible for an unpaid educational leave of absence of up to one month and employees with at least 10 years of service shall be eligible for an unpaid educational leave of absence for up to 2 months.

c. Approval. Department heads may authorize these unpaid leaves of absence and shall approve the timing of the leaves.

d. Payments. The city shall continue to make health, dental and life insurance payments for employees who are on unpaid educational leave of absence.

e. Reinstatement. Employees who are granted an unpaid educational leave of absence shall be entitled to reinstatement to their original positions upon return from leave.

f. Additional Unpaid Leave. Nothing included in this subsection prohibits additional unpaid leave time from being granted under the rules of the city service commission, subject to department head approval.

7. UNPAID LEAVES OF ABSENCE TO PARTICIPATE IN THE DISABLED EMPLOYEE PLACEMENT PROGRAM.

a. Purpose. The purpose of the disabled employee placement program is to identify and facilitate reassignment opportunities for eligible general city employees who are unable to find suitable employment within their departments due to permanent medical restrictions. The department of employee relations shall process referrals made by appointing authorities and ensure that the referrals and placement decisions are made in accordance with federal and state regulations, and the rules of the city service commission.

b. Eligibility. A referral to the disabled employee placement program shall require a determination by the appointing authority that an eligible employee is unable to perform the essential functions of a job with or without accommodations and that reassignment to an equivalent or lower-level position within the department is not feasible.

c. Participation. A leave of absence for participation in the disabled employee placement program may be granted in increments of 12 months.

d. Administration. The department of employee relations shall develop guidelines and procedures to administer the disabled employee placement program and coordinate participation with other benefits, regulations and employment conditions.

**350-36. Military and National Medical Disaster System Leave.**

1. MILITARY LEAVE TO BE GRANTED. a. For Military Purposes. Officers and employees of the city of Milwaukee, including members of the fire and police departments who enlist, or are inducted or ordered into active service in the land or naval forces of the United States pursuant to the selective training and service act of 1940, or the national guard and reserve officers mobilization act of 1940, or the selective service act of 1948, and any acts amendatory thereof or supplementary thereto; including the selective service extension act of 1950, and the universal military training and service act of 1951, the latter also known as ch. 144 of public law 517, the 82nd congress, first session, shall be granted a leave of absence during the period of such service. Upon completion and release from active duty under

honorable conditions they shall be reinstated into the positions they held at the time of taking such leave of absence or to a position of like seniority, status, pay and salary advancement, provided, however, that they are still qualified to perform the duties of their positions or similar positions; and if they are not so qualified, they shall be employed in such positions for which they shall be qualified but at seniority status, pay and salary advancement of the positions they held at the time of taking such leave.

b. Reinstatement. The city service commission shall hear complaints of all persons, except firemen and policemen returning from service in the land, naval or air forces of the United States and shall make recommendations to appointing officers, boards and commissions for the appropriate reinstatement or employment of such persons. The fire and police commission shall hear complaints of persons who were members of the fire and police departments.

c. Application. All such leaves of absences shall be terminated, in case of employees granted such leave shall fail to make application for re-employment within 90-days after being released from service in the land or naval forces of the United States, unless such employee is hospitalized by the United States government for a disability incurred or aggravated in the line of duty. The 90-day period shall be in force after discharge from hospital.

d. Replacement. Appointees to positions made vacant by leaves of absence as aforesaid shall hold their positions temporarily only, and shall not continue therein to the exclusion of persons returning from service in the land or naval forces of the United States, or of persons temporarily appointed to other positions because of military leaves of others and returning to their former positions.

e. Interpretation. The provisions of s. 350-35 shall not apply to leaves of absence covered by this section.

**2. LEAVES FOR MILITARY TRAINING, NATIONAL MEDICAL DISASTER SYSTEM DEPLOYMENT, OR CIVIL DISTURBANCES.**

a. Leaves of Absence.

a-1. Permanent full-time employees of the city of Milwaukee shall be granted leaves of absence with pay to take military training, or if called to duty in the state of Wisconsin in the case of riot or civil disturbance, as members of the Air

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Force Reserve, Organized Reserve Corps of the Army, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, or national Guard, under the direction of the state or federal authorities. Permanent full time employees of the City of Milwaukee shall be granted leaves of absence without pay for training or deployment on the Wisconsin Disaster Medical Assistance Team.

a-2. If training is limited to a single period during a calendar year, said leave shall not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays, during a calendar year. If civil disturbance or disaster medical assistance team deployment leave is limited to a single period during a calendar year, said leave shall not exceed 15 successive calendar days, including Saturdays, Sundays and legal holidays during a calendar year.

a-3. If training or civil disturbance or disaster medical assistance team deployment leave is taken on an intermittent basis during a calendar year by permanent full-time employees whose normal hours of duty average 40 hours per week, said leave shall not exceed 10 work days including Saturdays, Sundays and legal holidays, during a calendar year for training, and 10 work days including Saturdays, Sundays and legal holidays, during a calendar year for civil disturbance duty.

a-4. If training, civil disturbance, or disaster medical assistance team deployment leave is taken on an intermittent basis during a calendar year by permanent full-time employees of the fire department whose normal hours of duty exceed an average of 40 hours per week, said leave shall not exceed the equivalent of 5 duty days during a calendar year for training, and 5 duty days during a calendar year for civil disturbance duty, as determined by the fire department.

a-5. Said leave shall be granted by the head of the department in which the employee works upon presentation of satisfactory evidence of military, air force, National Medical Disaster System or naval authority to take such training.

a-6. Compensation for said leave or leaves shall be in accordance with the provisions of par. b. If such leave or leaves coincide with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

b. Compensation. b-1. Permanent full-time employees of the city of Milwaukee who because of honorable service in any of the wars of the United States were eligible for veterans' preference for employment by the city at or following the time of their appointment, or as provided in ss. 45.35 and 63.37, Wis. Stats., as amended, shall receive full city pay during such leaves of absence for duty under par. a-1. This provision shall not include training or deployment on the Wisconsin Disaster Medical Assistance Team.

b-2. Permanent full-time employees of the city who do not qualify for veterans' preference, as described in subd. 1, shall receive the equivalent of their city pay for each day the employees would have worked for the city during the period while on leave, reduced by the amount of base pay received for leaves of absence under par. a-1; the amount of military pay shall not be deducted for purposes of computing pension benefits. This provision shall not include training or deployment on the Wisconsin Disaster Medical Assistance Team.

**2.5. CONTINUATION OF BENEFITS DURING CERTAIN MILITARY LEAVES OF ABSENCE.** In addition to the rights of city employees pursuant to this section, during a military leave of absence for performance of duties as a member of a national guard unit of the United States or reserve component of the United States who is called to, or volunteers for, active duty in Bosnia, active duty in connection with the presidential executive order of April 27, 1999, relating to Operation Allied Force, the anti-terrorism campaign Operation Enduring Freedom or Operation Iraqi Freedom in accordance with the calling up of units of the national guard of the United States or members of the reserve components of the United States, for a period of more than 30 days, health or dental benefits or both for such employee's dependents shall be continued under the following conditions:

a. Under COBRA (extended coverage), and commencing on the first day of the month following the month in which an employee's on-payroll status coverage terminates, the city shall contribute an amount towards meeting the subscriber cost for family enrollment in the health and dental plan elected of up to 100% of the monthly subscriber cost for the 24 months of the military leave of absence conditioned in this subsection.

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b. The spouse/dependent must certify to the city's department of employee relations, employee benefits division, that although they are eligible for CHAMPUS coverage through the U.S. government, they opt to continue city health and/or dental coverage.

c. The employee's spouse/dependent must enroll through the department of employee relations, employee benefits division, for COBRA health and/or dental coverage in the existing plan(s) immediately upon being notified of active duty status.

d. The eligibility of the spouse/dependent to continue city-paid health and/or dental coverage as provided in this subsection shall cease on the last day of the month in which the national guard or reserve member is released from active duty or the expiration of 24 months of the employee's military leave of absence, whichever occurs first.

**3. LEAVES FOR MILITARY FUNERALS.** Officers and employees of the city of Milwaukee shall be allowed to attend military funerals of veterans without loss of pay when a request for leave is made by a proper veterans organization that the services of such officer or employee is desired for the proper conduct of a military funeral. If such leave for a military funeral coincides with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

**4. PAY DURING TIME OFF FOR INDUCTION EXAMINATION.** All officers and employees of the city of Milwaukee shall be paid for time lost while taking physical or mental examination for the purpose of determining eligibility for induction or service in the armed forces of the United States. If such time off coincides with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

**350-37. Sick and Disability Leave.** Sick leave shall cover necessary absence from duty of an employee because of the employee's, or an employee's immediate family member's, illness or pregnancy-related disability, bodily injury or exposure to contagious disease. For the purpose of this section only, "immediate family member" has the meaning given in the federal family and medical leave act. In addition, an employee may request the substitution of sick

leave for family leave under the state family and medical leave act, s. 103.10, Wis. Stats. Employees may not use sick leave for furlough days. Employees may accrue time earned for sick leave purposes while serving furlough time.

**1. TIME GRANTED.** a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an eligible employee of the city who serves on a full-time basis may accrue 12 working days' sick and disability leave with pay during any year. Employees who serve the city on less than a full-time basis who qualify in all other respects may be granted a proportionate amount of sick and disability leave.

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, the annual city health appraisal or for blood or plasma donations, without reporting the absence as paid sick leave, up to a maximum of 8 hours during a calendar year. An employee may be excused for up to an additional 2 hours to receive COVID-19 vaccinations.

**2. ACCUMULATIVE BASIS.**

a. General City Employee. Every permanent employee shall be granted sick and disability leave with pay at the rate of 3.7 work hours for each 2 weeks of service. The unused balance of sick and disability leave allowance shall be accumulated to the employee's credit up to 120 working days or 960 hours. Employees having accumulated a balance of greater than 960 hours as of January 1, 2012, shall be allowed to retain their balance but shall not be granted additional leave until their balance falls below 960 hours.

b. Nonrepresented, Noncivilian Police and Fire Management Employees Working 40-Hour Week. Nonrepresented, noncivilian police and fire management employees working a 40-hour week shall be granted sick and disability leave with pay at the rate of 1.25 working days for each month of active service or 4.6 work hours for each 2 weeks of active service.

c. Nonrepresented, Noncivilian Fire Management Employees Working 24-Hour Shifts. Nonrepresented, noncivilian fire management employees working a 24-hour shift shall be granted sick and disability leave with pay at 0.5833 of one work shift for each calendar month of active service.

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d. Appointed Public Officials. In addition to the normal sick leave benefits to which employees are entitled under this section, public officials appointed under s. 62.51, Wis. Stats., shall be credited with a special sick leave account of 30 sick leave days. This special account shall be available for use until such time as 30 regular sick leave days have accrued in the normal sick leave account. As normal sick leave account days accrue, the special sick leave account shall be reduced accordingly. Unused days in the special sick leave accounts shall not be considered in the computation of any applicable benefits, including pension benefits, retirement health insurance benefits, terminal leave benefits or sick leave incentive pay benefits.

3. DOCTOR'S CERTIFICATE. At any point during the employee's absence due to a medical reason or use of sick leave, the department head may require a statement from a medical provider indicating the following:

a. The employee has been under his or her care during the period of absence.

b. The absence was medically necessary.

c. The employee is unable to work.

d. The expected return to work date

e. Any restrictions and the duration of the restrictions.

4. CITY CONTRACT EMPLOYER. Service for an employer holding a city contract shall not be recognized as qualifying for sick and disability leave or as adding to a sick and disability leave accumulation even though the person so serving may have his or her name included on a city payroll.

6. ELIGIBILITY. Accrual and use of sick and disability leave allowance shall begin immediately upon employment.

7. TRANSFER, REINSTATEMENT.

a. Whenever an employee eligible for a sick and disability leave allowance leaves the service of one department of city government and accepts employment in another department of city government, the obligation for any accumulated sick and disability leave allowance shall be assumed by the new department. This provision shall also apply to an employee of the redevelopment authority of the city of Milwaukee who becomes an employee of the city.

b. Sick and disability leave shall automatically terminate on the date of retirement of the employee or on the date an ordinary disability allowance under the retirement system becomes effective.

c. Separation from the service by resignation or for cause shall cancel all unused accumulated sick and disability leave allowances. When an employee is reinstated to city employment, any unused accumulated sick and disability leave may be restored in accordance with the policy of the city's civil service commission. When a former city employee is reinstated to city employment in a position subject to s. 63.27, Wis. Stats., any unused accumulated sick and disability leave may be restored in accordance with the policy of the city's civil service commission as if the position was subject to the civil service commission.

8. INJURY PAY. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, when a non-probationary employee sustains an injury while within the scope of employment, as provided by ch. 102, Wis. Stats., and as determined by workers' compensation, the employee shall receive 66.67% of full salary as injury pay in lieu of workers' compensation for the period of time the employee is temporarily totally or temporarily partially disabled because of the injury, not to exceed 250 working days. In no case shall an employee receive injury pay for more than 250 working days during his or her period of employment with the city regardless of the number of compensable injuries. If time-off coincides with any furlough dates, the furlough time shall be rescheduled upon return to service as approved by the department head.

9. OPTION. Bodily injuries shall be recognized as cause for granting sick and disability leave when they are disabling. Any employee sustaining a compensable injury or contracting a compensable disease under the Wisconsin workers' compensation law shall have the option of accepting sick and disability leave benefits or accepting workers' compensation. This option, which shall be in writing, may be terminated without prejudice to temporary total or temporary partial disability benefits under the workers' compensation act thereafter, but the termination shall not be retroactive, and any sick and disability leave already used at the time of the termination of option shall not be restored to the employee.

10. BENEFITS. The sick and disability leave and injury pay benefits described in this section shall be interpreted as providing sick and disability leave and injury pay limited to the period

of time an employee would have worked in accordance with assigned work schedules.

**11. FIRE AND POLICE DEPARTMENT SICK AND DISABILITY PAY.**

a. Fire and police employees reporting absent on sick leave shall be governed by the rules, regulations and standard operating procedures of the fire and police departments. Each instance of sick leave for which an employee fails to comply with the requirements shall result in the employee losing entitlement to any sick leave with pay for that instance.

b. Administration and control of this subsection shall be under the chief of fire or police, respectively.

c. Nonrepresented, noncivilian fire and police department management employees who use their accumulated sick leave credit and then are placed on duty disability retirement pension, all as a result of duty-incurred injuries, shall be entitled to have their unused sick-leave credit or 30 working days of sick leave with pay, whichever is greater, added to their sick-leave accounts upon returning to active service.

**12. REFERENCE.** Reference to sick leave in any other section of the code shall apply to sick and disability leave.

**13. DEPARTMENT OF EMPLOYEE RELATIONS TO PREPARE RULES.** The department of employee relations shall prepare rules and regulations, forms and procedures of reporting sick leave.

**14. VIOLATIONS: PENALTY.** Willful violation of any provision of this section by any officer or employee, or willful making of any false report concerning illness or sick leave, shall subject the officer or employee committing the violation, or making the false report, to disciplinary action and shall be considered a cause for discharge, suspension or demotion, subject to the law and rules regulating these actions.

**15. SICK LEAVE CONTROL INCENTIVE PROGRAM.** As an incentive to eliminating abuse of sick leave and as a reward to employees with perfect attendance records, special incentive leave of up to 3 days per year with pay shall be granted to full-time employees who meet the following conditions:

a. For each trimester period for which an individual employee has not used any sick leave, injury leave, been absent because of disciplinary actions or been on unpaid leave, the employee shall earn 8 hours of special incentive

leave, provided that the employee has a minimum of 12 days sick leave accumulation in his or her account prior to the trimester period. An employee shall maintain eligibility for a trimester sick-leave benefit if he or she suffered a verifiable lost-time work-related injury and returned to work for the next regularly-scheduled work shift following the occurrence of the injury.

b. 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.

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.

d. When special incentive leave time is used by or paid to an employee, there shall be no deduction from the employee's normal sick leave account balance.

e. The sick-leave control-incentive program shall be established and administered by the department of employee relations.

f. Payments made under the provisions of this program shall not be construed as being part of the employee's base salary and shall not be included in any fringe benefits. The payments shall not have any sum deducted for pension benefits, nor shall the payments be included in any computation establishing pension benefits or payments.

g. Effective trimester 1, 2021, a noncivilian management employee in the fire department, working a 40-hour work week or 53-hour work week, shall be eligible to accrue up to a maximum of 48 hours of special incentive leave into a separate special incentive leave account. An employee working a 40-hour work week shall earn 8 hours of special incentive leave per trimester for which it is earned. An employee working a 53-hour work week shall earn 16 hours of special incentive leave per trimester for which it is earned. If an employee has reached the maximum accrual allowed of special incentive leave the employee shall be paid in cash for any additional special incentive leave earned. The special incentive leave may be carried over into

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the next year. If an employee leaves the employ of the city for any reason, the employee shall not be paid the balance of the employee's special incentive leave account upon separation. Additional guidelines and administration of this section shall be by the fire chief.

#### **350-38. Terminal Leave Compensation (Unused Sick Leave).**

**1. ELIGIBILITY.** Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee in active service and employed by the city who retires under the provisions of the city's employees' retirement system, but excluding retirement on deferred or actuarially reduced pensions as they are defined under the system, shall upon retirement be entitled to a lump-sum payment under the terms and conditions provided in this subsection. The lump-sum payment shall be defined as terminal leave compensation.

**2. COMPENSATION.** An employee who is eligible for terminal leave compensation under sub. 1 shall upon retirement be entitled to a lump-sum payment equivalent to one 8-hour work shift's base pay for each one 8-hour work shift equivalent of the employee's earned and unused sick leave up to a maximum of 30 8-hour work shifts of pay except as otherwise required by law.

**3. ADMINISTRATION.** a. Terminal leave compensation shall not be construed as affecting an employee's pension benefits. Any payments made under this subsection shall not have any sum deducted for pension benefits nor shall the payments be included in establishing pension benefits or payments.

b. Terminal leave compensation benefits may be made as part of an employee's last regular paycheck upon normal retirement.

**4. RESTRICTION.** An employee shall be eligible for terminal leave compensation as set forth in this subsection, but in no event shall an employee be eligible for terminal leave on more than one occasion or from more than one position classification.

**350-39. Family and Medical Leave.** In accordance with the provisions of both the state family and medical leave act, s. 103.10, Wis. Stats., and the federal family and medical leave act of 1993, P.L. 103-3:

**1.** The director of employee relations shall issue policies and procedures to implement the state and federal family and medical leave acts and to coordinate the requirements of those acts with city leave policies and procedures.

**2.** The comptroller shall develop and establish record keeping practices for payroll and related functions to assure compliance with the state and federal family and medical leave acts. These practices shall include provisions for an employee to substitute sick leave for family leave under the state family and medical leave act.

**3.** The labor negotiator shall meet with appropriate bargaining unit representatives to advise the representatives about city leave policies and procedures and their relation to the state and federal family and medical leave acts.

#### **350-39.3. Paid Parental Leave. 1. GUIDELINES AND ADMINISTRATION.**

a. The department shall issue policies and procedures to implement the paid parental leave policy and to coordinate the policy with city leave policies and procedures.

b. The city comptroller shall develop and establish recordkeeping practices for payroll and related functions.

**2. ELIGIBILITY AND RESTRICTIONS.** Any benefits-eligible general city employee, as denied in s. 36-02-17 and s. 350-237, shall, as administrated by the department, be entitled up to 6 weeks of paid parental leave for any qualifying event once every calendar year, subject to the following:

a. Only qualifying events taking place on or after April 4, 2022, shall be eligible for paid parental leave.

b. Paid parental leave shall run concurrently with any state or federal family leave to which the employee may be eligible.

c. The employee shall have worked a minimum of 1,000 hours, excluding a leave absence, in the 12 months prior to the qualifying event.

d. A part-time employee with a qualifying event shall be eligible for paid parental leave, prorated based on the employee's regular schedule.

e. An employee with a qualifying event under this section who does not qualify for protection under the Family and Medical Leave Act of 1993 shall be provided the same job protections enumerated by the act.



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f. If paid parental leave coincides with a paid holiday, the employee shall be given holiday pay in lieu of paid parental leave.

**3. QUALIFYING EVENTS.** An eligible employee shall be eligible for up to 6 weeks of paid parental leave once per calendar year, after any of the following events:

- a. Birth of a child.
- b. Miscarriage or stillbirth after 20 weeks of pregnancy.
- c. Placement of a child under the age of 5 through adoption, fostering, guardianship or acting in place of a parent.

**4. SPECIAL CIRCUMSTANCES.** a. A birthing parent who experiences incapacity related to pregnancy or serious health conditions following the birth of a child shall be eligible for up to 4 weeks of paid leave in addition to the 6 weeks of paid parental leave.

b. A birthing parent who experiences a miscarriages or stillbirth prior to 20 weeks of pregnancy may be eligible for up to 2 weeks of paid parental leave.

**5. ANNUAL REPORT.** The department shall submit an annual report of its findings and activities under this section to the common council.

For legislative history of Chapter 350 contact the Municipal Research Library.

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