

Employee Relations and Benefits 350- (Table)

CHAPTER 350 EMPLOYEE REGULATIONS AND BENEFITS

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SUBCHAPTER 1
HOLIDAY AND OVERTIME POLICIES

350-1. Definitions. In this chapter, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

1. DEPARTMENT means the department of employee relations.
2. EMPLOYEE means any person on the bi-weekly payroll of the city.
3. HOLIDAY, except as specifically covered by other provisions of the code means:
 - a. New Year's Day - January 1.
 - b. Good Friday.
 - c. Memorial Day - Last Monday in May.
 - d. Independence Day - July 4.
 - e. Labor Day - The 1st Monday in September.
 - f. Thanksgiving Day - The 4th Thursday in November or the day appointed by the governor of Wisconsin as a day of public thanksgiving in each year.
 - g. The day after Thanksgiving Day.
 - h. Christmas Day - December 25.
 - i. The last normal work day before Christmas Day.
 - j. The last normal work day before New Year's Day.
 - k. Dr. Martin Luther King Jr.'s birthday - the 3rd Monday in January.
4. OVERTIME means the authorized hours worked in excess of 40 hours in one week.
5. TIME AND ONE-HALF means compensation per hour worked, determined by dividing the biweekly rate by 80 and multiplying by 1.5, unless otherwise provided, consistent with the fair labor standards act.
6. TIME WORKED means the hours worked during scheduled work periods, all holiday hours paid but not worked and all furlough hours not worked.

350-2. Holidays, General Provisions.

1. WEEKEND HOLIDAY. Whenever Independence Day (July 4) falls on a Saturday, the preceding Friday shall be observed as a holiday. Whenever New Year's Day (January 1) and Christmas Day (December 25) fall on a Saturday, the following Monday shall be observed as a holiday. When New Year's Day, Independence Day or Christmas Day falls on a Sunday, the following Monday shall be observed as a holiday.

1.5. OPTIONAL HOLIDAYS.

- a. The following days and dates shall be designated as optional holidays:
 - a-1. Cesar E. Chavez Day – March 31.
 - a-2. Juneteenth Day – June 19.
- b. If an optional holiday falls on a day on which the offices of a department are open, the department shall remain open and conduct the operations of the department. Each department head shall, as long as adequate staffing levels are maintained as determined by the department head, allow an eligible employee who complies with that department's advance notification requirements and who requests an optional holiday day off to receive that day as a paid holiday in lieu of receiving a paid holiday for one of the other holidays specified under s. 350-1 that the employee designates, as long as the designated day is within the same fiscal year.
 - c. On the holiday an eligible employee designates in substitution for an optional holiday day, the employee shall use either vacation or compensatory time-off for that day.
 - d. An eligible employee under this section shall be one who is eligible for holiday pay, subject to the city's collective bargaining obligations, as applicable, under s. 111.70, Wis. Stats.
 - e. This subsection shall not change the total number of holidays with pay granted annually.
2. FIRE DEPARTMENT
 - a. Fire equipment dispatchers and fire dispatch supervisors shall receive 11 days off per calendar year in lieu of holidays or holiday pay, earned at the rate of 0.9167 days for each calendar month of active service during that calendar year. This holiday time-off shall be taken in the calendar year in which it was earned.
 - b. Employees Working 24-Hour Shifts.
 - b-1. Holiday Compensation. An employee working 24-hour shifts shall receive 24 hours off per calendar year in lieu of holidays or holiday pay, earned at a rate of 2 hours per month. This holiday time-off shall be taken in the calendar year in which it was earned.
 - b-2. Unused Holiday Compensation. An employee on authorized injury leave as a result of a duty-incurred injury may use holiday time-off scheduled during the period of such leave provided the employee notifies his or her supervisor orally of this fact prior to the start of the holiday time-off. An employee on authorized injury leave as a result of a duty-incurred injury not using holiday time-off scheduled during the period of the employee's leave, because he or she did not make

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a request for it, shall have his or her unused holiday time-off rescheduled by the fire department administration when the employee returns to duty if it is possible to do so before the end of the calendar year. If the fire department administration is unable to reschedule all of the employee's remaining unused holiday time-off before the end of the calendar year, the employee shall be entitled to receive a lump-sum payment equivalent to the dollar value of the remaining unused holiday time-off at the end of the calendar year, computed on the basis of the employee's hourly base rate in effect at the time for which the holiday time-off was originally scheduled. This lump sum payment shall be made as soon as is administratively practicable following the end of the calendar year. The lump-sum payment shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. The lump-sum payment shall not have any sum deducted for pension benefits nor shall it be included in any computation establishing pension benefits or payment. When authorized by the fire department administration, an employee may elect to carry over into the next succeeding calendar year any remaining unused holiday time-off that the fire department administration was unable to reschedule by the end of the calendar year, instead of the lump-sum payment provided for in this subparagraph. The scheduling of carried-over holiday time-off shall be subject to availability of the dates requested by the employee, require prior approval by the employee's supervisor and in no way affect the scheduling of other employee holiday time-off.

c. Computation. For purposes of computation benefits under par. a and b, an employee on the fire department payroll for at least 14 days in a calendar month shall be deemed as having been on the fire department payroll for the full calendar month. If the employee is on the fire department payroll for less than 14 days in a calendar month, exclusive of any furlough time, the employee shall be deemed as not having been on the payroll at all during the calendar month.

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. This holiday time-off shall be taken in the following calendar year.

b. Eligibility. To be eligible, an employee shall have been on paid status for at least 2 work days during the calendar week the New Year's Eve holiday occurs.

3. STATUTORY COMPLIANCE. Any statutory provisions establishing legal holidays on days other than those set forth under the definition of the term "holiday" in s. 350-1 shall not be observed in a manner resulting in a shorter workweek for general city employees. If the state of Wisconsin enacts a statute under which some or all of the holidays enumerated in s. 350-1 are established or observed as so-called Monday holidays, the city will move to observation of such law, but the conformance to state law shall not increase or diminish the number of holidays with pay granted annually.

350-3. Uniform Overtime Policies. Except as provided in s. 350-6, or unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following overtime policies shall be applied uniformly to positions in the city service.

1. CASH OR COMPENSATORY TIME.

The determination as to whether overtime shall be taken as cash or compensatory time shall be made by each department head in consultation with the budget and management division. Department heads shall notify employees of whether cash or compensatory time-off is being offered for overtime worked prior to the actual work being performed. If notification is not provided that compensatory time is being offered for overtime worked, cash shall be paid for the overtime worked. The accumulated compensatory time credit for each employee at no time shall exceed 180 hours of banked compensatory time, which is equivalent on a time and one-half basis to 120 hours worked.

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2. AS OVERTIME ONLY. When computing overtime of either type, time compensated for any reason on an overtime basis shall not be counted in computing further overtime.

3. RATE. Overtime shall be compensated, whether as cash or compensatory time, at time and one-half the rate at which it was earned.

4. AUTHORIZATION. Department heads are authorized to order overtime work, and no overtime shall be worked unless so ordered.

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 act non-exempt employee shall be considered overtime.

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.

6. CHANGE OF SHIFT. For departments that have regularly-scheduled multiple shifts, employees who are provided with less than 48 hours notice of a change in shift shall receive overtime for all hours worked during the subsequent 48-hour period.

7. EXCLUSIONS. Nothing contained within this section is intended to authorize or require overtime compensation for employees who are excluded from overtime compensation by other provisions of the code.

350-4. General Overtime Procedures and Regulations.

1. REPORTING OVERTIME REQUIRED. a. To Employee Relations. A report of all overtime employment, whether compensated for in cash or by compensatory time-off allowed by each department, shall be submitted to the director of employee relations with the payroll for the period in which the overtime was authorized for a review of the necessity of the overtime employment. The director of employee relations shall prescribe the form of the report of overtime worked or compensatory time taken off, and the number and disposition of copies. In case of departmental error or omission in reporting overtime worked or time taken off, supplementary reports shall be submitted by the departments in order that payroll checks shall reflect correct amounts, and overtime records shall indicate the exact number of hours of overtime worked or time taken off.

b. To Common Council. From the departmental reports of overtime worked or compensatory time taken off, the director of employee relations shall prepare consolidated reports of the overtime worked or time taken off, and shall submit the consolidated reports together with other appropriate information to the common council at regular intervals.

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c. **Accumulated Overtime.** If an employee accumulates a total of 180 hours of compensatory time-off, or 120 hours of overtime worked for which time-off may be taken, the director of employee relations shall initiate a schedule to eliminate the overtime backlog, investigate the cause and justification of the overtime work and, when possible, institute such recommended procedures as may be necessary to eliminate the need for overtime work. In each case, the director of employee relations shall provide to the common council a report of the overtime and the recommendations made or action taken to reduce or eliminate the overtime work.

d. **Overtime Studies.** On the basis of regular and special reports, the common council shall regularly review the overtime worked by each department, require the presence of department heads or supervisors empowered to authorize overtime work for supporting or explaining its need, and establish rules as may be deemed necessary for controlling overtime work.

2. EARNED OVERTIME UPON SEPARATION. All earned overtime, whether earned as cash or compensatory time, shall be paid as cash upon separation from city service.

3. OVERTIME NOT TO BE USED FOR RETIREMENT CREDIT. No overtime period of service, nor the compensation received, shall be counted as accruing toward credit or deduction on any annuity or pension rights.

350-5. Exclusion from Overtime.

1. POSITIONS EXCLUDED. The director of employee relations shall determine the positions that shall be exempt from the overtime provisions of this chapter.

2. FLEXIBLE SCHEDULE. Employees of positions that work a minimum average of 40 hours per week, normally consisting of 5 workdays of 8 hours each, shall be considered to work on a flexible schedule within the limits of a 40-hour week, dependent on existing workload demands and with the approval of department heads. Under this flexible schedule provision, the daily work schedule of employees may be adjusted as necessary and appropriate to fulfill their assigned duties and responsibilities. The adjustments may include starting and quitting times that are earlier or later than established in the normal work schedule of a department and may include hours of work that are more or less than 8 hours in any particular day, within the limits described. This

flexible schedule provision shall not be construed as allowing compensatory time-off at the rate of time and one-half, allowing time-off for extended personal illness without charge to sick leave, or allowing time-off for extended vacation.

3. ADMINISTRATION. Department heads shall enforce this section as it applies to personnel within their departments. The director of employee relations shall interpret the provisions of this section and report to the finance and personnel committee any problems or abuses concerning the interpretation or administration of this section.

4. TO BE USED WITHIN 2 YEARS. All employees entering positions excluded from payment in cash or compensatory time-off for overtime worked under the provisions of this subchapter shall take off any overtime balance previously earned within a 2-year period from the time of entering the positions. If time is not used within 2 years, the employee shall be compensated for the unused earned time in cash.

5. Effective July 15, 2014, any employee entering a position excluded from payment in cash or compensatory time-off for overtime worked under the provisions of this subchapter shall be compensated in cash for any compensatory time balance prior to entering a job excluded from overtime.

350-6. Compliance with the Fair Labor Standards Act. In accordance with the provisions of the federal fair labor standards act, the:

1. Director of employee relations shall determine the positions and classes that are covered by the act and transmit appropriate guidelines and instructions for carrying out the applicable provisions of the act to city departments and agencies.

2. Comptroller shall develop and establish payroll recordkeeping, payment inclusions and payroll practices to ensure good-faith compliance with the act.

3. Director of employee relations shall issue a policy statement prohibiting departments and agencies from docking employees exempt from the act for partial-day absences and institute a policy for those employees to make up the time, consistent with departmental operations.

4. Labor negotiator shall meet with appropriate representatives to discuss and clarify city compliance policies.

**SUBCHAPTER 2
INSURANCE**

350-25. Group Life Insurance.

1. DEFINITIONS. Unless specified otherwise in a labor contract between a certified bargaining unit and the city that is in force and effect, in this section:

a. "Annual salary" means an employee's biweekly pay rate multiplied by a leap year correction factor of 26.089.

b. "City" means the city of Milwaukee.

c. "City agency" means a city agency as defined in s. 36-02-8 of the city charter which has voted to participate in the city's group life insurance program with the approval of the common council.

d. "Employee" means employee who appears on a regular payroll of the city.

e. "Fireman" means fireman as defined in s. 36-02-16 of the city charter.

f. "General employee" means a general city employee as defined in s. 36-02-17.

g. "Policeman" means policeman as defined in s. 36-02-24 of the city charter.

h. "Retiree" means a member of the Employees' Retirement System who is receiving for his or her own service a service retirement allowance as defined in s. 36-05-1, or an ordinary disability retirement allowance under 36-05-2, or a duty disability retirement allowance as defined in s. 36-05-3. Retirees shall also include members of the Employees' Retirement System who are receiving group life insurance benefits through the city as of December 31, 2013.

2. ELIGIBILITY. Unless otherwise defined in a labor contract between a certified bargaining unit and the city that is in force and effect:

a. An employee shall be eligible for benefits under this section if the employee appears on a regular payroll at full basic pay for more than 20 hours a week on a year-round basis.

b. An employee shall complete 6 consecutive months of service with the city on the day preceding the day the person first becomes eligible for coverage; for the purpose of this requirement, an authorized leave of absence without pay for more than 5 consecutive days shall be considered a termination of employment.

c. For determining group life insurance eligibility, furlough time shall be considered as time of active service on the payroll.

d. A terminated employee who is reemployed shall be considered as a new employee, unless that employee is receiving retirement benefits as a retiree as defined under sub. 1-h.

e. An employee who is eligible for coverage under this section shall receive the city-paid portion of the coverage at no cost to the employee. An employee may elect additional voluntary life insurance coverage during open enrollment; such election will be in effect until the next open enrollment period at which time the employee will have the option to elect voluntary coverage subject to limitations applied by the city and the life insurance carrier.

f. A retiree, as defined in sub. 1-h, who is receiving a monthly annuity from the Employees' Retirement System shall be eligible to participate in the city's group life insurance if the retiree had voluntary coverage in effect as an active employee on the day preceding his or her retirement date in an amount equal to at least 50% of his or her annual salary rounded up to the nearest thousand. For a retiree with a retirement date before January 1, 2014, the eligibility rules and period of coverage that was in effect at the time of retirement continue to be in effect, unless the retiree selected a new option defined in sub. 3-b-2.

3. AMOUNT OF INSURANCE.

a. Basic Coverage. The amount of basic coverage shall be the amount of life insurance coverage that the city will pay for on behalf of its active and eligible employees at no cost to the employees. As of January 1, 2014, this amount shall be \$50,000 for an employee who is not a fireman or policeman. For firemen and policemen, this amount shall be based upon and subject to the terms of the labor contract between the employee's certified bargaining unit and the city that is in force and effect.

b. Optional Voluntary Coverage.

b-1. Optional voluntary coverage shall be the amount of life insurance coverage that an employee or retiree elects to purchase and for which the employee or retiree pays the premium. As of January 1, 2014, for an active general employee, this amount shall be a multiple of the annual salary of the primary position that the employee works in at the end of a pay period and shall be 50%, 100%, 150%, 200%, 250% or 300% of the salary rounded up to the nearest thousand not to exceed a maximum amount to be determined by the city. Effective January 1, 2014,

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the maximum amount of the optional voluntary coverage an employee or retiree may carry shall be \$300,000.

b-2. As of January 1, 2014, until the 1st of the month in which the person attains age 65, a retiree who retired on or after January 1, 2014, or a retiree who retired prior to January 1, 2014 and who elected to reduce his or her coverage amount effective January 1 2014, this amount shall be a multiple of the annual salary of the primary position at the time of retirement and shall be 50%, 100%, 150%, 200%, 250% or 300% of the salary rounded up to the nearest thousand not to exceed a maximum amount to be determined by the city. Effective January 1, 2014, the maximum amount of the optional coverage an employee or retiree may carry shall be \$300,000.

b-3. As of January 1, 2014, effective the 1st of the month in which the person attains age 65, a retiree who retired on or after January 1, 2014, or a retiree who retired prior to January 1, 2014 and who elected to reduce his or her coverage amount effective January 1, 2014, the voluntary coverage amount shall be a multiple of the annual salary of the primary position at the time of retirement and shall be 50%, 100%, 150%, 200% or 300% of the salary rounded up to the nearest thousand not to exceed a maximum amount to be set by the city. Effective January 1, 2014, the maximum amount of the optional coverage an employee or retiree may carry shall be set to \$290,000. If a retiree defined in this subdivision, on the 1st of the month in which he or she turned age 65, or on the last day as an active employee if retirement occurred after attaining age 65, carried at least 50% of his annual salary in optional coverage, an employer-paid policy of \$10,000 shall be provided to the retiree at no cost to the retiree regardless of any optional coverage the retiree may elect.

b-4. Notwithstanding the provisions of the section, for a fireman or policeman, the optional coverage amount shall be based upon and subject to the terms in the labor contract between the employee's certified bargaining unit and the city that is in force and effect.

b-5. As of January 1, 2014, an active general employee may elect family coverage for his or her spouse and dependent children, based upon terms to be established by the city and its insurance carrier; this coverage shall not be available to retirees.

b-6. A general employee who retired prior to January 1, 2014, and who did not reduce his or her coverage as provided in subds. 2 and 3, and who is under age 65, shall continue to pay for his or her optional coverage he or she elected at the time of retirement and shall continue to do so until the 1st of the month in which he or she attains age 65.

b-7. A general employee who retired prior to January 1, 2014, and who did not reduce his or her coverage as provided in subds. 2 and 3, shall, on the 1st of the month in which the retiree attains age 65, have an employer-paid policy that shall reduce according to term of the labor contract between the city and the certified bargaining unit that the retiree was a member of at the time of retirement and that contract was in force and effect at the time of retirement of that person.

c. Change of Optional Coverage.

c-1. An active general employee may elect to cancel, reduce or increase optional coverage subject to the terms and conditions established by the city and its insurance carrier.

c-2. An active fireman or policeman may elect to cancel, reduce or increase his or her optional coverage subject to the terms and conditions in the labor contract between his or her certified bargaining unit and the city that is in force and effect.

c-3. A retired general employee may elect to cancel coverage at any time. A retired general employee may not increase coverage at any time.

c-4. A retired general employee who has not yet attained the age of 65, and who retired on or after January 1, 2014 or who retired prior to January 1, 2014 but reduced his or her coverage as provided in subd. 2 and 3, may elect to reduce coverage to a multiple of 50%, 100%, 150%, 200% or 250% of his or her annual salary at the time of retirement rounded up to the nearest thousand not to exceed a maximum amount to be set by the city. Effective January 1, 2014, the maximum amount of optional coverage an employee or retiree may carry shall be \$300,000.

c-5. A retired general employee who retired prior to January 1, 2014 but reduced his or her coverage as provided in subds. 2 and 3, may elect, as of the 1st day of the month in which the person attains age 65, to reduce coverage to a multiple of 50%, 100%, 150%, 200% or 250% of his or her annual salary at the time of retirement rounded up to the nearest thousand not to exceed

a maximum amount to be set by the city. Effective January 1, 2014, the maximum amount of optional coverage an employee or retiree may carry shall be \$290,000.

c-6. A retired general employee who retired prior to January 1, 2014 who did not reduce his or her optional coverage as provided in par. b-2 and 3, may not reduce coverage at any time.

c-7. Notwithstanding the provisions of this section, a retired fireman or policeman may reduce and increase coverage in accordance with the terms and conditions of the labor contract between their certified bargaining unit and the city that was in force and effect at that time of their retirement.

4. PREMIUM PAYMENTS.

a. Costs.

a-1. General employees and all retirees shall pay for optional coverage at age-banded rates to be set by the city and the city's insurance carrier.

a-2. The employer shall pay for any employer-paid coverage at rates to be set by the city and the insurance carrier.

a-3. Fire and Police active employees shall pay for coverage in accordance with the terms and conditions of the labor contract between their certified bargaining unit and the city that is in force and effect.

a-4. All premiums shall be paid monthly. For active employees, applicable premiums shall be paid by deductions from the regular payroll payments.

b. On Leave of Absence. Employees who are on leave of absence shall be permitted to self-pay monthly premiums for a maximum period of 12 months of premium payments; however, employees on extended authorized educational leaves of absence or on extended authorized leaves of absence to work for project area committees may be permitted to make additional cash payments, provided such additional cash payments are authorized by the committee on finance and personnel on the basis of an annual review. Employees who are eligible as group life insurance participants and who have a seasonal temporary lay-off status shall be permitted to make up to 6 months of cash premium payments; however, employees on leave of absence for illness or on ordinary disability retirement shall be allowed to make cash payments for up to 24

months of premium payments. Employees on duty disability retirement shall be allowed to continue their insurance coverage by making cash payments during their disability retirement until such time as they may become covered by another employer's life insurance program. If cash payments are not made, the insurance shall lapse.

5. CONVERSION PRIVILEGES.

a. If an employee leaves the service of the city, except by retirement, his group life insurance shall continue for a period of 31 days during which time he may purchase an individual life insurance policy at standard rates without medical examination.

b. Any conversion charges made by the insurance company shall be paid by the employee.

6. ADMINISTRATION AND ENROLLMENT. The annuity and pension board of the employees' retirement system, hereinafter referred to as the board, shall have the responsibility for the administration of the group life insurance program as provided for herein. Such board is authorized to determine and effect the method and procedure which shall be employed in providing for the enrollment of eligible employees, and in so doing shall consult with the director of employee relations. The board is authorized to prepare and promulgate such rules and regulations as may be appropriate in the board's judgment in carrying out the purpose and objectives of this section; provided, however, that before any such rules or regulations shall become effective, they must first be approved by the committee on finance and personnel of the common council and a certified copy of the rule or regulation filed with the city clerk's office. The responsibility for the application of the provisions of this section, as well as their interpretation, shall devolve upon the board.

7. APPROPRIATIONS.

a. Appropriations to cover the city's cost of participating in the group life insurance program as specified for in this section shall be made by the common council in the municipal budget. It is authorized that city funds may be used for the purpose of paying the city's share of the costs of the group life insurance program.

b. The board is permitted to expend such sums as are authorized by the common council in order to carry out the board's duties and responsibilities under the provisions of this section.

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8. SPECIFICATIONS. The committee on finance and personnel of the common council may employ such consulting assistants as it may determine for the purpose of preparing specifications for a group life insurance plan as provided for in this section. The board may establish the rules and regulations which shall be applicable to the submission of bids by qualified insurance companies authorized to do business in the state of Wisconsin at the request of the committee on finance and personnel. The committee on finance and personnel and the common council shall determine the most favorable bid submitted with respect to such group life insurance program.

9. LEGAL ADVISER. The city attorney's office shall be the legal adviser with respect to the group life insurance program.

10. AMENDMENTS. This section may be amended from time to time by the common council in order to provide for additional terms, conditions and authorization. Nothing herein contained shall prohibit the common council from amending this section to provide for a different method of insurance than set forth in this section.

11. UNREPRESENTED NON-CIVILIAN FIRE AND POLICE MANAGEMENT EMPLOYEES.

a. Eligibility. Employees in active service and in the following position classifications shall be entitled to the life insurance benefits provided under this subsection as long as they remain in active service within such classifications:

- a-1. Chief of police.
- a-2. Assistant chief of police.
- a-3. Inspector of police.
- a-4. Fire chief.
- a-5. Assistant chief, fire.
- a-6. Deputy chief, fire.
- a-7. Battalion chief classifications.

b. Amount of Life Insurance Coverage. Eligible employees, at no cost to the employee, shall be enrolled in basic life insurance coverage in an amount equal to \$55,000, as long as they remain in active service. These employees shall be eligible to purchase additional voluntary life insurance, in 50% increments of the employees' annual base salaries, at no cost to the city, in an amount not to exceed 3 times the employees' annual base salaries. However, in no instance shall the amount of additional life insurance exceed \$300,000.

c. Adjustment of Coverage. The amount of life insurance coverage to which an employee is entitled shall be adjusted annually on January 1 to reflect changes in the employee's annual base salary rate. In this paragraph, "annual base salary rate" means an amount equivalent to the employee's biweekly base salary, as the employee's biweekly base salary is established by the salary ordinance, divided by 14 and then multiplied by 365.

d. Conditions and Eligibility for Election of Coverage.

d-1. Subject to the terms and conditions provided under subds. 2 to 6, an employee shall be entitled to elect the amount of life insurance coverage provided under par. b upon completion of 180 consecutive calendar days of active service as a full-time (40 hours per week) employee following the employee's initial date of employment with the city.

d-2. The election of life insurance coverage shall be in a manner prescribed by the city.

d-3. An employee meeting the eligibility requirements for election of life insurance coverage must make such election within 30 consecutive calendar days after the date the employee's eligibility is first established. If the employee fails to make such election within this time limit, the election shall be made only on such terms and conditions as are established and maintained from time to time by the city or its life insurance carrier.

d-4. An employee shall become entitled to the life insurance coverage provided under par. b 30 consecutive calendar days following the date the employee elects such coverage.

d-5. An employee re-employed subsequent to a separation from active service, for whatever reason, must re-establish eligibility for life insurance coverage on the same basis that would be applicable to a new employee having the same starting date that the re-employed employee had following employment.

d-6. An employee who has previously waived life insurance coverage provided by the city, either under this subsection or otherwise, while employed with the city or a city agency as defined in s. 36-02-8 of the city charter, shall be permitted to elect life insurance coverage only on such terms and conditions as are established and maintained from time to time by the city or its life insurance carrier.

e. **Cost of Additional Life Insurance Coverage.** Employees eligible for the basic life insurance coverage specified in under sub. 11-b, who elect additional life insurance coverage, as described in sub. 11-b, shall pay to the city an amount equal to a cost per thousand, per month, at age-banded rates, for each \$1,000 of coverage in excess of \$55,000. These payments shall be accomplished by periodic deductions from employees' biweekly pay checks. The city shall make all necessary payments for the basic life insurance coverage provided in sub. 11-b. Employees who have enrolled in additional life insurance coverage may also purchase life insurance for spouses and dependents at no cost to the city.

f. **Conditions and Limitations on Benefits.**

f-1. The life insurance benefits provided under this subsection shall only cover employees while they are in active service.

f-2. Life insurance benefits shall be subject to all terms and conditions contained in the contract between the city and its life insurance carrier effective January 1, 1983.

f-3. While eligible for the life insurance benefits provided under this subsection an employee shall not be entitled to receive additional benefits under subs. 1 to 11. However, such an employee shall be covered by all the terms and conditions provided in subs. 1 to 11 that are not in conflict with this subsection.

g. **Effective Date.** This subsection shall be in force and effect from and after February 1, 2017, for policemen and January 1, 2017, for firemen.

12. COVERAGE FOR CERTAIN RETIRED FIRE EMPLOYEES. a. **Eligibility.** Employees who retire in the following position classifications shall have retiree life insurance coverage upon commencing a service retirement allowance provided the employee was enrolled at the time of retirement in voluntary coverage as an active employee:

- a-1. Fire chief.
- a-2. Assistant chief, fire.
- a-3. Deputy chief, fire.
- a-4. Battalion chief classifications.

b. **Coverage.** An employee who is eligible for life insurance coverage as a retiree shall have the following coverage, and all amounts shall be rounded to the next thousand:

b-1. A retiree may elect to continue his or her voluntary coverage in an increment of 50%, 100%, 150%, 200%, 250% or 300% of his or her annual base salary at the time of retirement, not to exceed the voluntary coverage he or she has in effect as an active employee at the time of retirement.

b-2. Effective with the first of the month in which the retiree turns, 65, if the retiree had voluntary coverage in effect through the age of 65, then \$10,000 of the coverage shall be paid for by the city. The retiree may continue to carry additional voluntary coverage at his or her discretion not to exceed the voluntary coverage carried at the time the retiree turned 65, and shall continue to pay for this additional voluntary coverage at age-banded rates.

b-3. A retiree may elect to reduce coverage at any time to an allowed increment of his or her annual salary at the time of retirement described in subd. 1, but once reduced the retiree does not have the option to increase coverage in the future.

b-4. Any basic and family coverage that the retiree may have enrolled in as an active employee shall terminate upon retirement.

c. **Premiums.** Except as noted in sub. 12-b-2, the retiree shall pay for the coverage he or she elects at age-banded rates determined solely by the city and its life insurance carrier.

13. COVERAGE FOR CERTAIN RETIRED POLICE EMPLOYEES. a. Employees who retire in the following position classifications are eligible for the optional reduced retiree life insurance coverage hereinafter provided:

- a-1. Chief of police.
- a-2. Assistant chief of police.
- a-3. Inspector of police.

b. Except as provided in par. c, an employee who is under age 65, and eligible for retiree life insurance coverage who elects such coverage shall elect the maximum coverage of 150% of the annual base salary at the time of retirement rounded to the next thousand not to exceed a maximum amount set by the city. The employee shall pay for such coverage at age-banded rates to be determined solely by the city and the city's insurance carrier. This coverage shall remain in effect until the first month in which the retiree turns age 65. Effective February 1, 2017, the maximum coverage an employee may carry after retirement shall be \$300,000.

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c. An employee who commences receiving a service retirement allowance on and after July 25, 1989, and is eligible for retiree life insurance coverage under subs. 1 to 11 shall be eligible to elect an amount of coverage less than the maximum prescribed thereunder (such coverage shall be termed "reduced coverage") subject to the following conditions:

c-1. The employee may elect reduced coverage at the time of retirement or, commencing with the 2nd January 1 following the employee's effective retirement date, within the 30 calendar day period immediately preceding January 1 of the calendar year. Such election shall be in writing on a form prescribed by the city and shall be submitted to a city-designated administrator within time limits prescribed by the city. Once elected, the amount of an employee's reduced coverage shall remain unchanged, except as provided in subd. 2.

c-2. An employee or retiree eligible for reduced coverage may modify the amount of his or her retiree life insurance coverage, either maximum coverage or reduced coverage, for a calendar year by executing a change of coverage form prescribed by the city within the 30 calendar day time period immediately preceding January 1 of the calendar year, but not earlier than the 2nd January 1 following the employee's effective date, in accordance with procedures established for this purpose by the city. In no event shall the modified amount of coverage exceed the maximum amount of coverage prescribed by the city.

d. Election of reduced coverage or modification to reduced coverage or maximum coverage during the 30 calendar day period immediately preceding January 1 of the calendar year, as provided in this subsection, shall become effective on January 1 of the calendar year.

e. The amount of reduced coverage shall be in units of \$1,000.

f. An employee or retiree age 65 or older shall not be eligible to elect or maintain reduced coverage.

g. For purposes of administration, "retiree" means an individual eligible for reduced coverage after the effective date his or her service retirement allowance commenced provided the employee has 20 years of creditable service. Creditable service shall be computed as specified in s. 36.04. Election of retiree life insurance coverage and modification to the coverage shall be the responsibility of the employee or retiree.

h. Effective the first of the month in which a retiree turns age 65, the coverage amount for an eligible retiree shall be 50% of his or her annual base salary at the time of retirement rounded to the next thousand. The employer shall pay for the coverage at rates to be determined solely by the city and the city's insurance carrier.

350-27. Reimbursement of City for Worker's Compensation.

1. PAID TO CERTAIN DEPARTMENTS. The department of employee relations shall submit at the end of each quarter of the fiscal year a statement of worker's compensation expenses incurred for injuries sustained by employees while within the scope of employment who are employed by the Milwaukee water works and the Milwaukee board of school directors to the aforesaid department, departments or divisions.

2. REIMBURSEMENT. At the end of each quarter of a fiscal year, the Milwaukee water works and the Milwaukee board of school directors, which are self sustained, shall reimburse the city for all worker's compensation expenses incurred for injuries sustained by employees while within the scope of employment who are employed by said respective departments.

3. HOUSING AUTHORITY. The housing authority of the city of Milwaukee shall through private insurance contract provide for coverage of worker's compensation expenses for injuries sustained by employees of said housing authority while within the scope of employment.

350-30. Health Benefits. 1. DEFINITIONS. In this section, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

a. "Creditable Service" means prior service plus membership service for which credit is allowable under s. 36-04.

b. "Dependent" means the spouse, child, step-child, foster child or adopted child of an employee each of whom has been certified with the department.

c. "Domestic partner" means a person registered as a domestic partner with the city under s. 350-245 or registered as a domestic partnership under ch. 770, Wis. Stats.

d. "Full-benefit employee" means any employee in a position which is authorized by the common council to work for at least 21 hours a week on an annual basis.

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e. "Limited-benefit employee" means any employee in a position which is authorized by the common council to work for less than 21 hours a week on an annual basis.

f. "Premium" means with respect to a health benefit plan which is a group insurance policy issued by an insurer, the amounts charged as a consideration by the insurer to the policyholder to provide coverage for single, family and other tiers of coverage under the policy and, with respect to a self-funded health benefit plan of the city, the amounts of consideration, as determined by an actuary pursuant to a method approved by the common council, as the amounts equivalent to the cost of the premiums for such health benefit plan if it were provided under a group insurance policy.

g. "Retiree" shall have the following meanings:

g-1. For persons employed prior to January 1, 2017, "retiree" means a person receiving a service retirement allowance under s. 36-05-1, an immediate allowance under s. 36-05-06-c, or a deferred retirement allowance under s. 36-05-6-d-2.

g-2. For newly-employed persons hired by either the city of Milwaukee, the redevelopment authority of the city of Milwaukee, or the housing authority of the city of Milwaukee on or after January 1, 2017, "retiree" means a person receiving a service retirement allowance under s. 36-05-1, an immediate allowance under s. 36-05-6-c, or a deferred retirement under s. 36-05-6-d-2. Newly-employed persons include persons who were employed prior to January 1, 2017, but who resigned or were separated under City Service Rule XI, sec. 1, and are rehired by or reinstated to employment with any of these entities on or after January 1, 2017.

g-3. "Retiree" also means a person receiving an ordinary disability retirement under s. 36-05-2 or a duty disability retirement allowance under s. 36-05-3, regardless of when the person was initially employed.

2. PROGRAM AUTHORITY. The department shall contract to provide health benefits, including prescription drugs, for

employees and retirees as approved by the common council and make payments of premiums to an insurance company or fees and health care claims to a third-party administrator if the city maintains a self-funded health benefit plan.

3. ELIGIBILITY. a. Eligible. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following persons shall be eligible for health benefits:

a-1. Full-benefit employees, beginning on the 31st calendar day of employment with the city.

a-2. Limited-benefit employees, beginning on the 31st calendar day of employment with the city.

a-3. Retirees defined under sub. 1-g-1 if they separate voluntarily with at least 15 years of creditable service with the city, the housing authority of the city of Milwaukee, or the redevelopment authority of the city of Milwaukee, and have been enrolled since the date of retirement in any health plan without lapse of coverage. Retirees defined under sub. 1-g-2 and 3 shall be eligible if they have been enrolled since the date of retirement in any health plan without lapse of coverage.

a-4. Dependents of full-benefit employees or retirees.

a-5. Dependents of limited-benefit employees.

a-6. Surviving spouses or domestic partners of retirees who die while enrolled in a city health care plan.

a-7. Surviving spouses receiving an ordinary death allowance under s. 36-05-10, if the employee had at least 4 years of creditable service at the time of death, shall be eligible for a period of time equal to the employee's creditable service.

a-8. Surviving spouses receiving an accidental death allowance under s. 36-05-5.

b. Not Eligible. Persons with the job titles provided under s. 350-237-2-c shall not be eligible to receive health benefits.

4. ONE-FAMILY RULE. An employee or retiree who is married to another employee or retiree shall enroll in one plan with dependent coverage effective the first of the month following the marriage.

5. EXCEPTIONS TO ELIGIBILITY. The following persons shall not be eligible to participate in a health insurance plan offered by the city:

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a. An employee who returns to employment from an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, who has not physically returned to work for one entire workday of 8 consecutive hours without using vacation, sick pay or compensatory time-off.

b. An employee on an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, within the first 6 months of employment.

6. ADMINISTRATION. The department of employee relations shall administer all health benefit and prescription drug plans authorized by the common council for employees, except that the employees' retirement system shall administer premium share payments, enrollment and determination of eligibility for retirees.

7. PAYMENTS.

a. Premiums. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, or by common council resolution, persons participating in a health insurance benefit plan shall pay a premium share in the following amounts:

a-1. Full-benefit employees and retirees defined under sub. 1-g-1 and 3 under age 65 retiring on or after January 1, 2014, unless specified otherwise in subd. 3, shall pay the balance of the premium due after payment by the city of an amount equal to 88% of the cost of the premium for the lowest-cost health insurance benefit plan offered by the city, excluding the high-deductible health plan.

a-2. Limited-benefit employees shall pay 25% of the premium for single coverage or 40% of the premium for family coverage.

a-3. Retirees defined under sub. 1-g-1 receiving an immediate allowance under s. 36-05-6-c, or receiving deferred retirement benefits under s. 36-05-6-d-2, retirees defined under sub. 1-g-3 receiving an ordinary disability retirement allowance and retirees defined in sub. 1-g-1 and 3 who are age 65 or over shall pay 75% of the premium.

a-4. Persons eligible under sub. 3-a-6 shall pay the premium that would be applicable to the retiree if living.

a-5. Persons eligible under sub. 3-a-7 shall pay 75% of the premium.

a-6. Effective June 1, 2017, persons eligible under sub. 3-a-8 shall pay:

a-6-a. Up to age 65, no premium.

a-6-b. On and after age 65, 75%.

a-8. Retirees defined in sub. 1-g-2 shall pay 100% of the full cost of any health benefit plan offered by the city.

b. Wellness Program Fees. Additional fees as established by common council resolution shall be paid by persons who do not comply with the city's wellness program requirements.

c. Other Payments and Charges. Additional co-payments, co-insurance payments and deductible charges as required by the common council shall be paid by persons participating in a health insurance benefit plan.

8. ADDITIONAL COMPENSATION. Nothing contained in this section shall in any manner be construed or interpreted to mean that any additional compensation is being, or shall be, paid to any employee, officer or retiree of the city; nor shall any such person have or assert any claim against the city for payment by reason of any provision of the code relating to the payment of premiums for city employees, officers or retirees of the city.

9. RESERVATION OF RIGHTS. The city reserves the right to at any time suspend or terminate any health benefit plan, to modify any health benefit plan to provide different cost-sharing between the city and employees or retirees, or to amend any health benefit plan in any respect.

350-33. Long-Term Disability Insurance.

1. PROGRAM AUTHORIZED, PAYMENT OF PREMIUMS. The department of employee relations is authorized to enter into contracts on behalf of the city for the purchase of long-term disability benefits for eligible employees or groups as determined by the department of employee relations. The city shall pay the cost of benefits after a 180-day waiting period, and the policy may provide that an employee may elect to pay the vendor selected by the department of employee relations for a shorter waiting period, such as 60, 90 or 120 days.

350-34. Dental Benefits. 1. DEFINITIONS. In this section, unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following definitions shall apply:

a. "Dependent" has the meaning given in s. 350-30-1-a.

c. "Full-benefit employee" has the meaning given in s. 350-30-1-c.

d. "Limited-benefit employee" has the meaning given in s. 350-30-1-d.

e. "Retiree" has the meaning given in s. 350-30-1-e.

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2. PROGRAM AUTHORITY. The department shall contract to provide dental benefits for employees as approved by the common council and to make payments of premiums to an insurance company.

3. ELIGIBILITY. a. Eligible. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following persons shall be eligible for dental benefits:

a-1. Full-benefit employees, beginning on the 31st calendar day of employment with the city.

a-2. Limited-benefit employees, beginning on the 31st calendar day of employment with the city.

a-3. Dependents of full-benefit employees.

a-4. Dependents of limited-benefit employees.

b. Not Eligible. Persons with the job titles under s. 350-237-2-c shall not be eligible to receive health benefits.

4. ONE-FAMILY RULE. An employee who is married to another employee or retiree shall enroll in one plan with dependent coverage effective the first of the month following the marriage.

5. EXCEPTIONS TO ELIGIBILITY. The following persons shall not be eligible to participate in a dental insurance plan offered by the city:

a. An employee who returns to employment from an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, who has not physically returned to work for one entire workday of 8 consecutive hours without using vacation, sick pay or compensatory time-off.

b. An employee on an unpaid medical leave of absence, other than leave under state or federal family and medical leave acts, within the first 6 months of employment.

c. Retirees.

6. ADMINISTRATION. The department of employee relations shall administer all dental plans authorized by the common council for employees.

7. PAYMENTS. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the city shall contribute on behalf of the employee the following amount per month for dental insurance, with the employee paying the balance of the premium:

a. Full-benefit employee, single coverage: \$13.

b. Full-benefit employee, family coverage: \$37.50.

c. Limited-benefit employee, single coverage: \$6.50.

d. Limited-benefit employee, family coverage: \$18.75.

8. ADDITIONAL COMPENSATION. Nothing contained in this section shall in any manner be construed or interpreted to mean that any additional compensation is being, or shall be, paid to any employee, officer, or retiree of the city; nor shall any such person have or assert any claim against the city for payment by reason of any provision of the code relating to the payment of premiums for city employees, officers or retirees of the city.

9. RESERVATION OF RIGHTS. The city reserves the right to at any time suspend or terminate any dental benefit plan, to modify any dental benefit plan to provide different cost-sharing between the city and employees, or to amend any dental benefit plan in any respect.

350-34.5. Voluntary Benefits. 1. The department of employee relations shall administer all voluntary benefit programs authorized by the common council for employees. The department of employee relations is authorized to enter into contracts on behalf of the city for the purchase of voluntary benefits for eligible employees as determined by the department of employee relations. Employees are responsible for paying 100% of the premium costs for voluntary benefit programs.

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

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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. 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.

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.

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

SUBCHAPTER 4
VACATIONS

350-40. Vacations. 1. DEFINITIONS.

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 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 if 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.

b. "Anniversary date" means the date an employee completes 12 months of active service in a position qualifying for fringe benefits following appointment to the city of Milwaukee. After completion of the first 12 months of active service an employee's anniversary date shall not change.

c. "Pay-period year" means the 26 consecutive pay periods ending within a single calendar year.

2. ELIGIBILITY. General vacation eligibility requirements shall be as follows:

a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, an employee shall be eligible to receive vacation benefits immediately upon employment.

b. Usage of vacation shall be based on an annual pay-period year.

3. TIME EARNED FOR ANNUAL VACATION PERIOD. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the following time is earned for an annual vacation period:

a. Full Time Employees.

a-1. Full time employees, except the executive director of the employees' retirement system, the fire chief, the chief of police and public officials appointed under s. 62.51, Wis. Stats., and their deputies, shall earn vacation time on an annual pay-period-year basis in the following manner:

a-1-a. 3.7 hours per pay period for employees who have completed less than 4 years of active service.

a-1-b. 5.3 hours per pay period for employees who have completed at least 4 years but less than 9 years of active service.

a-1-c. 6.8 hours per pay period for employees who have completed at least 9 years but less than 14 years of active service.

a-1-d. 8.4 hours per pay period for employees who have completed at least 14 but less than 21 years of active service.

a-1-e. 9.9 hours per pay period for employees who have completed at least 21 years of active service.

a-1-f. 10.5 hours per pay period for employees who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1964.

a-1-g. 10.8 hours per pay period for employees who were on the payroll, or leave of absence or working toward year-round employment as of January 1, 1963.

a-1-h. Effective pay period 13, 2007, if it becomes necessary to recruit a fair labor standards act-exempt employee at a vacation rate above the minimum of 3.7 hours per pay period, the department of employee relations, with the concurrence of the chair of the committee on finance and personnel, may authorize vacation at the rate of 5.3 hours per pay period which will provide a third week of vacation. A listing of appointments made under this provision shall be provided to the committee on finance and personnel.

a-1-i. Transitional vacation accounts shall be created and maintained according to guidelines developed by the department of employee relations.

a-2. Public officials appointed pursuant to s. 62.51, Wis. Stats., as well as the executive director of the employees' retirement system, the fire chief and the chief of police, shall earn vacation time for a fiscal year on a pay period basis in the following manner:

a-2-a. Officials who have completed less than 9 years of active service shall earn 5.3 hours per pay period.

a-2-b. Officials who have completed at least 9 years but less than 14 years of active service shall earn 6.8 hours per pay period.

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a-2-c. Officials who have completed at least 14 years of active service shall earn 8.4 hours per pay period.

a-2-d. Officials who have completed at least 21 years of active service shall earn 9.9 hours per pay period.

a-3. Employees holding positions represented by a certified bargaining unit will be governed by the schedule provided in the labor agreement between the city and their union.

b. **Part-time Employees.**

Employees who work an average of 20 hours per week on a year-round basis in a position which is budgeted as half-time or more shall be able to earn, according to their years of service as provided in par. a, vacation on a prorated basis.

c. **Administration.**

c-1. The heads of departments, bureaus, authorities, commissions or other bodies under the control of the common council shall arrange and designate the earned vacation as provided in this subsection, except for those employees excluded from benefits under s. 350-237.

c-2. The amount of vacation time taken during a fiscal year, except for separation from service as provided in sub. 4 shall be limited to the maximum noted in par. a. These maximums are not guarantees; an employee is not entitled to any greater vacation with pay than that which he or she has earned.

4. UNEARNED TIME DEDUCTIBLE. Vacation taken before the full amount has been earned shall be considered time owed the city until it is earned. At the discretion of the department head, an employee may borrow up to 80 hours of vacation before it is earned provided that the total number of vacation hours he or she takes in that pay period year does not exceed the number of hours that the employee would earn in vacation in that pay-period year under sub. 3. In no case may an employee's vacation account balance exceed 80 negative hours. Any employee who leaves the service of the city due to resignation, retirement, termination, discharge, layoff or death will have the compensation for vacation time owed the city deducted from the final paycheck.

5. MAXIMUM VACATION BALANCES. The maximum amount of vacation employees can maintain in their vacation accounts shall be as follows:

a. 176 hours for employees who have completed less than 4 years.

b. 216 hours for employees who have completed 4 years of service but less than 9 years of service.

c. 256 hours for employees who have completed 9 years of service but less than 14 years of service.

d. 296 hours for employees who have completed 14 years of service but less than 21 years of service.

e. 336 hours for employees who have completed at least 21 years of service.

f. 352 hours for employees described in sub. 3-a-1-f.

g. 360 hours for employees described in sub. 3-a-1-g.

7. REINSTATEMENT AFTER RESIGNATION.

a. When an employee who has resigned from the city service applies for reinstatement, the city service commission may grant that employee credit for prior service with the city for vacation purposes if the situation should warrant that action.

b. When a former city employee who has resigned from the city service is reinstated to city employment in a position subject to s. 63.27, Wis. Stats., the former employee may be granted credit for prior service with the city for vacation purposes if the situation should warrant that action in accordance with the policy of the city's civil service commission as if the position was subject to the civil service commission.

8. DEPARTMENTAL APPROVAL. Vacations may be divided into 2 or more periods if thought advisable by the respective department heads. The department heads shall determine when such vacation periods shall be granted, the practical considerations involved in the efficient operation of the department and give consideration to the convenience of the employees.

10. VACATION RECORDS. The director of employee relations, in checking payrolls or accounts of salaries and wages of officers and employees in the city departments, bureaus, authorities, boards, commissions or other bodies shall check and keep a record of the time allowed to employees for vacations and shall make certification to the comptroller that

the total time allowed for vacation to any one employee during any fiscal year is in accordance with the vacation allowance set forth in this section. Where the vacation allowance with pay exceeds that set forth in this section, the director of employee relations shall withhold certification to such payrolls or accounts of salaries or wages in the manner provided in s. 350-112.

11. ADMINISTRATION. Uniform administration, interpretation and enforcement shall be vested in the director of employee relations, except that as to fire and police personnel, the fire and police commission shall have the same power and responsibility.

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.

15. POLICE AND FIRE DEPARTMENTS.

a. Members of the Police Force.

a-1 Special Service Credit. Police department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

- a-1-a Chief of police.
- a-1-b Assistant chief of police.
- a-1-c Deputy chief of police.
- a-1-d Police commander.

a-2. Police Heroism. The chief of police is authorized to establish departmental rules in accordance with city ordinances for granting additional vacation and off-days to members of the police force who demonstrate outstanding merit in the apprehension of criminals and meritorious acts of heroism and bravery beyond the call of duty. No more than 14 additional off-days shall be granted to any one member of the police force in a calendar year.

a-3. The amount of vacation earned by a member of the police force in 1998 for use in 1999 shall be placed in a transitional vacation account (TVA). TVA hours may be scheduled with the approval of the chief. A member of the police force may not borrow vacation hours until all of his or her TVA hours have been exhausted.

b. Members of the Fire Department.

b-1 Special Service Credit. Fire department employees in active service and in the following position classifications shall have time spent on duty disability pension included as years of service for computing current and prospective vacation benefits:

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

b-2. Time Earned Per Week. Employees in active service during a fiscal year and whose normal hours of work exceed 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-2-a. 3.7 hours per pay period for employees who have completed fewer than 6 years of active service.

b-2-b. 5.6 hours per pay period for employees who have completed 6 years but fewer than 11 years of active service.

b-2-c. 8.4 hours per pay period for employees who have completed 11 years but fewer than 19 years of active service.

b-2-d. 10.2 hours per pay period for employees who have completed 19 years or more years of active service.

b-3. Time Earned per Week; Noncivilian Management. Noncivilian management employees of the fire department in active service during a fiscal year and whose normal hours of work average 40 hours per week shall be entitled to vacation with pay during that fiscal year at the following rates:

b-3-a. 3.4 hours per pay period for employees who have completed fewer than 6 years of active service.

b-3-b. 5 hours per pay period for employees who have completed 6 but fewer than 11 years of active service.

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b-3-c. 6.5 hours per pay period for employees who have completed 11 but fewer than 19 years of active service.

b-3-d. 8 hours per pay period for employees who have completed 19 or more years of active service.

b-4. Employees on Injury Leave. An employee on authorized injury leave as a result of a duty-incurred injury may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-5. Employees on Sick Leave. An employee on authorized sick leave may use vacation scheduled during the period of the leave, provided he or she notifies his or her immediate supervisor orally of this fact prior to the start of the vacation and indicates the time when the vacation is to be used.

b-6. Scheduling. The assignment and scheduling of vacations with pay shall be controlled by the fire chief.

b-7. Administration. Administration and control of this subsection shall be under the fire chief.

350-42. Suburban Service to be Recognized When Municipality is Consolidated.

Whenever employees of any suburban community are taken into the service of the city because of consolidation of municipalities, the length of time during which they have been employed by such suburban community shall be taken into account by determining eligibility for vacations, and for vacations of increased length, in like manner as though such service had been rendered to the city.

350-45. Accrued Time-Off Donor Program.

1. ESTABLISHED. There is established a city-wide catastrophic illness leave donation program administered by the department of employee relations to provide income protection to eligible employees who have exhausted all accrued time off and are suffering from a terminal or major catastrophic illness and are unable to work full-time or to eligible employees who have exhausted all accrued time-off with immediate family members who are suffering from terminal or major

catastrophic illness. "Immediate family" in this section means a spouse, registered domestic partner as provided in s. 350-245, child or step-child.

2. DONATION RULES.

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

b. 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..

Employees may donate accrued time in whole-hour increments only.

d. 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.

e. Employees donating time shall not have any accrued time returned if the employee to whom time is donated does not utilize the entire donation. The city shall take efforts to ensure that loss of donations due to non-utilization are kept to a minimum.

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

g. The types of leave eligible for donation shall be limited to vacation, compensatory time off and time-off in lieu of holidays.

3. RECIPIENTS' ELIGIBILITY CRITERIA AND RULES.

a. Eligible employees may receive donations of 2,080 hours per illness from qualified city employees regardless of department or union affiliation.

b. Employees qualified to receive donations of time, 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.

c. The employee, or his or her authorized agent, shall be responsible for completing the applications and obtaining a physician's statement certifying that the employee or the employee's immediate family

member is suffering from a terminal or major catastrophic illness that meets the program's medical requirements.

d. No determination regarding eligibility to receive donated time-off shall be made until the department of employee relations has received a completed application and physician's statement certifying that the employee or employee's immediate family member is suffering from a terminal or major catastrophic illness. An employee shall not be eligible to receive donated time-off unless and until he or she has exhausted all of his or her own accrued time-off. 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.

e. The city of Milwaukee reserves the right to require the employee to obtain, at his or her own expense, if not covered by the employee's health insurance provider, a second opinion from a physician of the employee's choice as to the nature of the physician's diagnosis and prognosis contained in the physician's statement.

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

g. Donations of time shall be credited to a special account for the employee established by the city for this purpose. If 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.

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

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

4. PARTICIPATION BY EMPLOYEE UNIONS. a. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect and consistent with city bargaining obligations, all city employees shall be eligible to participate in this program.

b. Disputes arising from the administration of this benefit shall not be subject to any challenge.

c. This program shall constitute the sole means by which employees may donate and receive time-off in cases of terminal or major catastrophic illness.

5. WORKFORCE NOTIFICATION. Upon confirmation of eligibility, and at the recipient employee's request, the department of employee relations shall provide each department with pertinent information regarding the recipient employee for the purpose of communicating the need for donations to other employees.

6. REPORT. The department of employee 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.

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

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Pages 928-930 are blank.

**SUBCHAPTER 5
UNIFORMS AND CLOTHING ALLOWANCES**

350-90. General Provisions; Uniforms and Clothing Allowances. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, uniforms and clothing allowances shall be as follows:

1. PROCEDURE. The heads of all departments providing or requiring uniforms or uniform allowances shall:

a. Establish uniform and equipment requirements and specifications.

b. Determine items to be provided to employees.

c. Requisition these items through the procedure established by the department of administration, with the exception of the health department, division of public health services.

d. Establish procurement and inspection procedures for their respective departments.

2. EQUIPMENT. All equipment directly paid for out of city funds shall remain the property of the city and shall be properly cared for by the individual to whom issued and shall revert to the respective city department upon the employee's severance from service.

3. CITY PROPERTY. Specific items of the uniform which shall be determined by the head of the department shall remain the property of the city and shall revert to the respective city department upon the employee's severance from service unless the employee has served 18 months in uniformed status.

4. UNIFORM REPLACEMENT. The need for and timing of uniform replacement is at the discretion of the respective department head. Items damaged or destroyed in the line of duty shall be replaced or the employee compensated at the discretion of the respective department head.

5. MINIMUM DAYS' SERVICE. No payment made under this subchapter shall be made for service in a uniformed status for any calendar month in which the employee is on the payroll for less than 14 days, exclusive of any furlough time. One full month's allowance shall be granted for service in a uniformed status in any calendar month during which the employee is on the payroll for 14 days or more. In the event of death of an employee of uniformed status, uniform allowance shall be paid for time accrued, if this amounts to 14 days or more for the calendar month.

6. PAYMENTS NOT TO AFFECT PENSION. Payments made under this subchapter shall not be construed as being part of the employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

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

1. POSITIONS ELIGIBLE.

a. Employees in active service and in the following position classifications shall be entitled to a maximum annual uniform and clothing maintenance allowance of \$325 so long as they remain in active service with these position classifications:

a-1. Fire Chief.

a-2. Assistant fire chief.

a-3. Battalion chief classifications.

a-4. Deputy chief, fire.

b. Members of the honor guard shall receive, in addition to the amount provided in par. a, an annual maintenance allowance of \$60.

2. INITIAL ITEMS. a. Each employee promoted to the rank of battalion chief shall upon regular appointment to such rank be provided with one approved coat and one pair of approved trousers and one white helmet.

b. Employees promoted to the rank of battalion chief shall upon regular appointment to that rank be provided with one dress coat, one 8-point dress cap, one pair of dress trousers and one dress overcoat. These items shall be provided on a one-time only basis.

3. SUMMER CLOTHING. Employees promoted to the rank of battalion chief shall upon regular appointment to such rank be provided with one summer jacket on a one-time only basis.

4. REPLACEMENT. a. The department shall replace articles of initial allowance of uniforms for fire dispatch supervisor whenever the articles have been condemned on account of normal wear and tear by the fire chief or the chief's designee.

b. The department shall replace articles of initial issue and, in addition, firefighting gloves and boots for classifications listed in sub. 1-a-1 to 4, whenever the articles have been condemned by the chief on account of normal wear and tear.

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5. SAFETY SHOE ALLOWANCE. Nonrepresented management employees in active service and in the following position classifications shall be entitled to the standard safety shoe allowance provided represented employees, as negotiated by collective bargaining agreement, so long as they remain in active service in these positions:

- a. Fire equipment repair manager.
- b. Fire equipment repairs supervisor.

350-92. Police Department: Uniform and Clothing Allowance. 1. POSITIONS ELIGIBLE.

Employees in active service and in the following position classifications shall be covered by the provisions of this section so long as they remain in active service, within these position classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Police commander.

2. REPLACEMENT ALLOWANCE.

Department members covered by this section shall be entitled to receive a clothing allowance of \$450 per year. Payment made under this subsection shall be paid in December of the year in which they were earned. Pro rata adjustment to the nearest calendar month on the basis of length of service will be made for eligible employees serving less than a full calendar year. For purposes of prorating, an employee on the payroll for at least 14 days in a calendar month shall be entitled to receive the payment provided under this subsection for that calendar month. An employee on the payroll for less than 14 days in a calendar month shall not be entitled to receive payments provided under this subsection for that calendar month.

3. UNIFORMS DAMAGED IN THE LINE OF DUTY. Members of the police force occupying the position classifications specified in sub. 1 shall be compensated for items of uniform and equipment prescribed by the police department which are directly or indirectly destroyed in the line of duty. In each instance, the chief of police shall determine the amount of compensation.

4. APPLICABILITY. During a calendar month an employee shall not be entitled to receive uniform allowance benefits under both sub. 2 and a collective bargaining agreement.

350-93. Department of Public Works; Clothing Allowance.

1. CLOTHING ALLOWANCE.

Effective pay period 2, 2012, certain employees in the department of public works who meet the criteria set forth in sub. 2 shall be eligible for an annual clothing allowance.

2. ELIGIBILITY.

a. Operations driver/workers and tractor operators shall be eligible to receive \$215 as an annual clothing allowance.

b. Employees with job titles not specified in par. a shall be eligible to receive \$110 as an annual clothing allowance based on job assignments identified by the department of public works.

c. The department of public works may establish additional eligibility criteria for employees identified in pars. a and b to be eligible to receive an annual clothing allowance.

3. ANNUAL PAYMENT.

a. For an eligible employee to receive the clothing allowance payment for calendar year 2012, the employee shall have met the eligibility criteria set forth in sub. 2 in 2012, and have been on the payroll, or on an authorized leave of absence, on or after April 1, 2013. No employee who has received a clothing allowance payment for 2012 prior to the effective date of this ordinance [April 4, 2013] shall be eligible to receive any additional clothing allowance payment for 2012.

b. Annual payments for calendar year 2013 and thereafter shall be made at a time as determined by the department of public works.

350-94. Safety Shoe Allowance. Employees working in a classification which management has determined requires the wearing of approved safety shoes shall be eligible for the standard safety shoe allowance of \$130 annually for the reimbursement of the purchase of safety shoes. Payments made under this section shall not be construed as being part of an employee's base salary and shall not be included in the computation of any fringe benefits. Such payments shall not have any sum deducted for pension benefits, nor shall such payments be included in any computation establishing pension benefits or payments.

350-95. Safety Glasses Allowance. The city shall provide eye protection or prescription safety glasses to all full-time active employees as required by the federal occupational safety and health administration and the city and as recommended by the American national standards institute. Under s. 340-23, the department of employee relations shall issue and enforce standards for authorizing safety glasses. The city is not responsible for the eye examination to obtain the prescription, the repair or replacement of glasses damaged due to non-work related activities or negligent use by the employee.

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SUBCHAPTER 6
SALARIES AND WAGES

350-100. Salaries of Mayor and Members of the Common Council 1. For the 2012-2016 term of office, the salaries of the mayor, common council members and the common council president shall be the same as the rates in effect for the 4th year of the 2008-2012 term.

2. The mayor and common council members shall be subject to furloughs as may be imposed by common council resolution under s. 350-116-1-a.

350-102. Rules of Uniformity of Compensation for Similar Service. Appropriations and payments of compensation or rates of wages provided for offices or employment in the city service or in the service of the redevelopment authority of the city of Milwaukee shall be uniform for all offices or employment having substantially similar work requirements, duties, authority and responsibility, and similar requirements as to training and experience; and that the schedules and specifications of grade, titles and compensation of offices or employment when adopted by ordinance by the common council shall be the basis of employment control of all offices or employment in the city service or in the service of the redevelopment authority of the city of Milwaukee.

350-104. Prohibition of Additional Compensation. No person holding a position or employment in any department, bureau, institution, redevelopment authority, board or commission to which this chapter applies and for which a definite salary or wage has been appropriated or designated shall receive any extra salary or compensation in addition to that so fixed.

350-106. Advancement from Grade to Grade. An increase above the maximum salary rate of an existing grade of position shall not be made except in case of increased duties or responsibilities which actually involve a change of position. Whenever the common council shall have advanced an office or employment in the classified service to a higher grade than theretofore existed and increased the salary thereof, no payment of such advanced salary shall be made to the officer or employee filling

position until such time as certification has been made to the higher grade, in accordance with the city civil service act and rules.

350-108. Biweekly Payment of Salaries and Wages. The salaries and wages of all city officers and employees shall be paid biweekly.

350-112. Payroll Procedure.

1. DEPARTMENT TO PREPARE. The heads of all departments, bureaus and commissions shall prepare their several payrolls or accounts of salaries and wages in accordance with the schedules and specifications for personnel service adopted by the common council. Said heads of departments, bureaus and commissions shall arrange to have payrolls or accounts of salaries and wages sent directly to the office of the department of employee relations for check and certification. Department heads shall, in advance of transmission of payrolls and accounts of salaries and wages, report all changes affecting employment in offices and positions under the jurisdiction of the department of employee relations on blank forms, provided by the office of the department of employee relations; the office of the department of employee relations shall forward to the city comptroller such payrolls or accounts of salaries or wages of officers or employees whose title and compensation conform to the titles, specifications and compensation grades fixed by the common council.

2. VERIFICATION. After schedules and specifications of grades and titles of offices and employment have been adopted by the common council, the city service commission shall withhold such certifications to such payrolls or accounts of salaries or wages which are not in conformity with such schedules; supplementary payrolls, with corrected items, shall be prepared for check and certification by the office of the city service commissioners before transmission to the city comptroller's office; and no payroll or account of salaries or wages shall be received or moneys authorized or paid by the city comptroller, city treasurer, or any other city authority for services of any officers or employees unless such payroll or account of salaries or wages bears the certification of the office of the city service commissioners.

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350-114. Salary Changes to be Referred to the Finance and Personnel Committee.

1. POSITION TO BE INVESTIGATED. All salary ordinances and resolutions and all requests for additions and changes in the specifications for personnel service shall be referred to the committee on finance and personnel for investigation and report. In all such salary ordinances and resolutions or reports of the creation of new positions or of changes in existing positions there shall be included only those standard titles adopted hereby and included in the specifications for personnel service set forth in Schedule A or such as shall be approved hereafter by the city service commission or the board of the redevelopment authority of the city of Milwaukee and shall have been certified to the common council by the said commission or the board of the redevelopment authority of the city of Milwaukee as properly descriptive of the duties to be performed and as conforming to the standard services, grades and titles, and to the compensation rates approved as a guide only in determining and revising salary ordinances provided in the specifications for personnel service.

2. APPROVAL REQUIRED. In recommending to the common council the fixing of salaries of positions, the committee on finance and personnel shall certify that the titles of such positions have been approved by the city service commission or the board of the redevelopment authority of the city of Milwaukee and that the positions have been properly classified. No title so prescribed shall be changed except on recommendation of the city service commission or the board of the redevelopment authority of the city of Milwaukee and approval or disapproval by the committee on finance and personnel whose report shall be submitted to the common council for final action.

350-116. Unpaid Furloughs.

1. APPROVAL BY COMMON COUNCIL RESOLUTION.

a. The common council may by resolution impose mandatory furlough time for city officials and employees.

b. City officials and employees, except represented employees and nonrepresented noncivilian police and fire management employees, may use a specified amount of voluntary furlough time each year as defined in the department of employee relations furlough policy and administrative guidelines.

2. POSITIONS AFFECTED.

a. Mandatory furloughs shall apply to all city employee positions, regardless of funding source, pursuant to sub. 3.

b. The city attorney, city comptroller, city treasurer and municipal court judges shall be subject to mandatory furloughs as may be imposed by common council resolution under s. 350-116-1-a.

3. FURLOUGH GUIDELINES. The department of employee relations shall issue furlough policy guidelines for city departments as necessary to administer the implementation of furlough programs.

4. To the extent any provision in the city salary ordinance, the city charter or code of ordinances, including but not limited to ss. 350-2-2-c; 350-25-2-c; 350-35-3, 3.5, and 5-a; 350-36-2-a-6, 3, and 4; 350-37-0 and 8; 350-40-1-a; 350-90-5; 350-132-5-c; 350-133-3-b-2; 350-152-3-a; 350-152.2-3-a; and 350-181-11, should address or specify the impact of unpaid furloughs upon the wages, hours, or conditions of employment of represented employees, any such provision, insofar as it shall apply to represented employees, shall be subject to, and its application and effects may be modified or nullified through, impact bargaining with the duly authorized representatives of such employees in accordance with the requirements of the Wisconsin Municipal Employment Relations Act. Approval of the common council shall be required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees if the term is inconsistent with and more beneficial than a corresponding furlough-related term specified for the particular group in a provision of the charter or code, and for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees that addresses a new issue involving the impact of furloughs upon wages, hours, or conditions of employment that is not addressed in any manner for the particular group in a provision of the charter or code; however, common council approval is not required for any substantive term resulting from furlough-related impact bargaining on behalf of any group of represented employees if the substantive term is identical or less beneficial to the affected represented employees than corresponding terms that have been approved by the common council for the majority of the city's nonrepresented employees.

SUBCHAPTER 7
FIRE AND POLICE EMPLOYEES

350-131. Holiday Premium Pay. 1. Police officers not covered by a labor contract assigned by police department administration to duty on January 1, July 4, the first Monday in September or December 25 shall be compensated in cash at a rate of 1.5 times their base salary rate for all such duty, computed to the nearest tenth of an hour. Such compensation shall not extend to any other calendar date on which New Year's Day, Independence Day, Labor Day or Christmas may be officially observed.

4. Application of the provisions enumerated herein shall not involve pyramiding of the compensation described herein. No employee shall receive overtime benefits and/or shift or weekend differential benefits in addition to holiday premium pay.

5. Any payment made in addition to the employee's base rate of pay under the provisions of this section shall not have any sum deducted for pension benefits nor shall such payments be included in determining pension benefits or other fringe benefits.

6. Administration and control of the provisions of this section shall be under the chief of police.

350-132. Certification Pay. 1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

- a. Chief of Police.
- b. Assistant chief of police.
- c. Inspector of police.

2. COMPENSATION. a. An employee in active service and occupying a position classification in sub. 1 who is deemed certified as being qualified to be a law enforcement officer in the state of Wisconsin by the law enforcement standards board (LESB) as of the close of a calendar year shall be entitled to receive a \$600 payment termed "certification pay." Once LESB certification has been established during a calendar year, an employee must maintain that certification for the balance of such calendar year in order to receive certification pay benefits for that calendar year.

b. An employee retiring on normal pension, or resigning voluntarily from the police department, and who was LESB-certified at the time of such retirement or resignation shall be entitled to the benefits provided by par. a prorated on the basis of his or her active service in the calendar year he or she retired, computed to the nearest calendar month. For purposes of prorating, an employee on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employee is on the police department payroll less than 14 days in a calendar month, then the employee shall be deemed as not having been on the payroll at all during the calendar month. For purposes of determining eligibility for the benefits provided in par. a, years of service shall be computed as of the effective date of the employee's retirement or voluntary resignation. Payments earned shall be made as soon as is administratively practicable after the employee's retirement or voluntary resignation.

3. Except as provided in sub. 4, payments made under this section shall not be included in the determination of overtime compensation or any other fringe benefits.

4. Employees who retire from active service shall have their certification pay benefits included in final average salary for purposes of computing their service retirement allowances. For purposes of interpretation and construction of this section, the certification pay benefit the employee is entitled to include in the final average salary computation shall be an amount equal to the certification pay payment the employee received for December 31 of the calendar year immediately preceding the employee's effective date of retirement.

5. An employee on a military leave of absence for performance of duty as a member of the state of Wisconsin national guard or reserve component of the armed forces of the United States shall be eligible for certification pay benefits for a calendar year prorated on the basis of the employee's active service with the department in that calendar year subject to the following:

a. The military leave is a result of being called to, or volunteering for, active duty under the authority granted to the president of the United States or the congress of the United States for a period of more than 30 calendar days.

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b. Prorated certification pay shall be calculated as of the effective date the employee separated from active service with the department and began his or her unpaid military leave of absence.

c. For purposes of prorating certification pay benefits, an employee on the police department payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month; in the event the employee is on the payroll less than 14 days in a calendar month, exclusive of any mandatory furlough time, then the employee shall be deemed as not having been on the payroll at all during the calendar month.

350-133. Variable Shift Assignment Pay.

1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be eligible for the compensation provided in this section, subject to established terms and conditions, as long as they remain in active service and within the stated classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Police commander.

2. COMPENSATION. a-1. An eligible employee in active service and occupying a position classification in sub. 1 on December 31 of a calendar year shall receive \$1,050 for that calendar year. Effective with calendar year 2000 payments, this amount shall be increased to \$1,150.

a-2. Effective with calendar year 1997, an employee with at least 20 years of active service as a law enforcement officer in the police department on December 31 of a calendar year shall be entitled to receive \$250 per calendar year in addition to the amount the employee is entitled to receive under subd. 1. Payment of this additional \$250 shall be first effective for eligible employees in active service as of December 31, 1997.

b. An employee who commences receiving a normal service retirement allowance during a calendar year shall receive an additional \$350 supplemental to the payment provided in par. a for the calendar year immediately preceding the calendar year in which the employee retired. The employee shall also receive an amount equal to the amount to which he or she is entitled to under par. a for the calendar year in which the employee retired, prorated on the basis of active service in the calendar year of retirement.

c. An eligible employee who separates from active service on account of voluntary

resignation during a calendar year shall receive the amount provided in par. a, prorated on the basis of the employee's active service while covered by this section during the calendar year in which the employee's separation occurred, computed to the nearest calendar month.

3. ADMINISTRATION. a. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service and covered by this section on December 31 of a calendar year in order to be eligible for that calendar year's variable shift assignment pay payment.

b. Payments made under this section shall be made as soon as it is administratively practicable following the date on which entitlement is established. In the case of an employee who commences a normal service retirement allowance in a calendar year, the supplemental amount provided in subpar. 2-b shall be paid after the employee's effective retirement date. Prorated payments made under this section shall be determined as follows:

b-1. An employee covered by this section and in active service for at least 14 days in a calendar month shall be deemed as having been covered by this section and in active service for the full calendar month.

b-2. If the employee is covered by this section and in active service for less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having been covered by this section and in active service at all during the calendar month.

c. Except as provided for by ss. 35-01-60, 35-04-1, 36-02-12 and 15 and 36-08-7-b of the Milwaukee city charter, payments made under this section shall not be construed as being part of the eligible employee's base pay and shall not be included in the computation of any fringe benefit owing to the employee from any source.

d. For purposes of interpretation and construction of this section the variable shift assignment pay benefit to which the employee is entitled to include in his or her final average salary computation shall be an amount equal to the variable shift assignment pay payment the employee received for the calendar year immediately preceding the employee's effective

date or retirement, but excluding any amount the employee received under par. a-2.

e. Variable shift assignment pay payments are compensation for and in recognition of the city's sole and unrestricted right to vary from time to time and without advance notice the starting time of an employee's regularly scheduled 8-hour shift assignment or the day on which such regular shift assignment occurs. Variable shift assignment pay payments are in lieu of any other compensation for the city's retention of this right, including, without limitation, any "out-of-shift" pay premium.

350-134. Interpreter/Translator Pay.

1. POSITIONS ELIGIBLE. Employees in active service on or after August 6, 1989, and in the following position classifications shall be eligible for the compensation provided for under this section, subject to the terms and conditions established in this section therefor:

- a. Chief of police.
- b. Assistant chief of police.
- c. Inspector of police.

2. WHEN REQUIRED. The chief of police is authorized to direct employees under sub. 1 to perform interpreter/translator duties consistent with employees' capabilities for such duties and the needs of the police service. Employees shall perform authorized interpreter/translator duties as a result of:

- a. Direction from the employee's commanding officer; or
- b. The employee's response to a request for an interpreter/translator broadcast over the police department radio network. If more than one employee responds to such a request, only those employees actually needed to perform interpreter/translator duties shall be entitled to receive interpreter/translator pay.

3. COMPENSATION. An eligible employee shall be entitled to receive premium pay, termed "interpreter/translator pay", equal to \$1.00 per hour in addition to his or her base salary for each actual hour or nearest 0.1 of an hour spent performing interpreter/translator duties. Interpreter/translator pay shall be compensated at a flat rate of \$1.00 per hour irrespective of whether the employee is in premium pay status.

4. ADMINISTRATION. a. Interpreter/translator duties eligible for compensation shall be limited to authorized duties performed by the employee involving interpretation or

translation of a language other than English at a level of competence deemed acceptable to the police department. Such "other languages" comprise the following non-English languages currently recognized by the police department:

- a-1. American Sign.
- a-2. German.
- a-3. Greek.
- a-4. Italian.
- a-5. Kurdish.
- a-6. Polish.
- a-7. Russian.
- a-8. Spanish.
- b. An employee possessing interpreter/translator ability in a non-English language that is not listed above may at any time file a written request with the department to add that language to the list.

c. Interpreter/translator pay payments to employees entitled to receive them shall be made quarterly during the calendar year on such dates after August 6, 1989, as the police department shall prescribe.

d. Interpreter/translator pay shall only be granted when an employee is actually performing interpreter/translator duties and shall not be granted when an employee is directed to perform other duties.

e. Payments made under this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefits of the employee.

f. Any payment made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in the determination of pension benefits or other fringe benefits.

350-135. Automobile Usage for Nonrepresented, Noncivilian Police Department Management Employees.

1. EMPLOYEES ELIGIBLE. Employees in active service and in the following position classifications shall be covered by this section as long as they remain in active service and within such classifications:

- a. Chief of police.
- b. Assistant chief of police.
- c. Inspector of police.

2. USE OF PRIVATE VEHICLES. a. An employee may, at the employee's option, use the employee's privately owned vehicle for

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departmental business only under express authorization from the employee's commanding officer. When such use is authorized, the city will indemnify the employee for any property damage sustained by the employee's automobile and shall represent the employee and be responsible for any judgment, damages and costs entered against the employee for acts arising out of the employee's official capacity while acting within the scope of the employee's employment.

b. When an employee is authorized by the employee's commanding officer to use the employee's private vehicle on departmental business, in accordance with departmental procedures established for that purpose, and the vehicle sustains damage during such use, the employee shall submit a written report of the damage to the employee's commanding officer before the end of the workshift in which the damages occurred. The report shall include a description of the damages, the date and time of occurrence and the cause. Reasonable amounts of damages from causes other than negligence of the employee will be reimbursed by the city, provided the employee submits documentation of such costs to the employee's commanding officer no later than 7 calendar days following the occurrence of the damages.

350-137. Police Educational Program.

1. POSITIONS ELIGIBLE. The following classes of positions in the police department shall receive additional compensation for the completion of approved course work subject to the conditions of this section:

- a. Chief of police.
- b. Assistant chief of police.
- c. Deputy chief of police.
- d. Inspector of police.

2. INCREMENTS. Annual payment for the completion of approved course work shall be as follows:

- a. \$95 per year for officers with at least 16 credits, but less than 28 credits.
- b. \$145 per year for officers with at least 28 credits, but less than 40 credits.
- c. \$195 per year for officers with at least 40 credits, but less than 52 credits.
- d. \$245 per year for officers with at least 52 credits, but less than 64 credits.

e. \$295 per year for officers with at least 64 credits, but less than 90 credits; or if eligible employee possesses an associate degree.

f. \$370 for officers with at least 90 credits, but less than 120 credits.

g. \$470 for officers with 120 or more credits, but not possessing a bachelor's degree; \$750 per year for a bachelor's degree.

h. No employee may receive more than \$770 of educational pay for a calendar year regardless of the number of degrees and credits earned; no employee may receive more than \$470 of educational pay for a calendar year unless the employee holds a bachelor's degree.

3. EFFECTIVE DATE. These payments shall be made on an annual basis as soon as possible after December 31 of the current year. Officers who attain the required educational credits during the calendar year shall be paid a prorated amount from the first pay period after the educational courses are completed and reported to the police department to December 31 of the appropriate year.

4. FULL YEAR'S EMPLOYMENT. No officer shall receive an educational bonus payment for any year in which he does not remain in the employment of the police department, for a full calendar year.

5. MINIMUM YEARS OF SERVICE. No officer will be eligible for an educational bonus payment unless he or she has a minimum of 5 years' service in the police department with a rank of police officer or above.

6. ADDED TO BASE SALARY. Educational bonus payment shall be in addition to the base salary of the position eligible for such payments. These payments shall not be used in the calculation of overtime pay or in the calculation of pension benefits.

7. APPROVED COURSES. Approved courses of study for which payment will be made under this section are courses in which credit has been successfully earned from one of the following regional accreditation associations: North Central Association of Colleges and Schools; Middle States Association of Colleges and Schools; New England Association of Schools and Colleges, Inc.; Northwest Association of Colleges and Schools; Southern Association of Colleges and Schools; Western Association of Schools and Colleges.

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8. DEGREES. Police officers who have earned a degree shall request that the degree-granting collegiate institutions send a report to the police 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 a member in good standing of an association listed in sub. 7 at the time the degree was granted.

9. TRANSCRIPT COSTS. Any transcripts or credits or evaluation thereof shall be at the expense, if any, of the applying police officer.

10. OFFICER RESPONSIBLE. Each eligible police officer shall be responsible for making the necessary requests of collegiate institutions for the purpose of informing the Milwaukee police department as to the number of credits that apply on the above described educational bonus payments plan.

11. ADMINISTRATION. Administration and control of the provisions enumerated herein shall be under the chief of police.

350-143. Fire Department Hours of Work.

Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, the fire chief shall determine the hours of work for fire department employees.

350-147. Fire Company and Battalion Staffing.

1. DEPUTY CHIEF STAFFING IN THE FIREFIGHTING SERVICE DIVISION. When the chief engineer, fire, determines that there is an operational deficiency in the normal on-duty staffing for deputy chief, fire, in the firefighting service division command on a Saturday, Sunday or holiday, he or she may assign a deputy chief, fire, from any bureau to fill the vacancy. Compensation for such assignment shall be at the employee's base rate of pay.

2. BATTALION CHIEF STAFFING. When the fire chief determines that there is an operational deficiency in the normal on-duty staffing for battalion chief exceeding 2 positions, the first such assignment shall be underfilled by a captain, the 2nd assignment to be filled by a battalion chief and the 3rd assignment underfilled by a captain. These assignments are only as designated, assigned or authorized by the fire chief. Compensation for such assignment shall be at the employees' base rate of pay.

3. PAYMENTS. Any payments earned under the provisions of this section shall not be considered in computing pension or other employee benefits. Members of the department on trade shall not be eligible for such assignment; except that the chief or a designee may permit an

employee on trade to perform such an assignment when the chief deems it appropriate.

4. ADMINISTRATION. Administration and control of the provisions of this section shall be under the chief engineer, fire, who may, as he sees fit, in an emergency situation, suspend these provisions.

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

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350-149. Fire Department: Educational Program. 1. POSITIONS ELIGIBLE.

Employees in active service and in the following position classifications shall be eligible for annual educational program payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classifications:

- a. Battalion chief classifications.
- b. Deputy chief, fire.
- c. Assistant fire chief.
- d. Fire chief.

2. BENEFITS. a. 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. Furthermore, for calendar year 2006 payments, an employee who is a registered nurse and whose education is less than a bachelor's degree shall receive \$225; however, no payment shall be provided unless such employee possesses a current registered nurse license.

b. An employee who has a bachelor's 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 employee relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant, 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 master's 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 employee relations, and effective for payments for calendar year 2009, public health, chemical engineering, training and development, physical education, health education, or physician assistant 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.

3. ADMINISTRATION. a. Only degrees from colleges and universities accredited by the North Central Association of Colleges and Secondary Schools, and effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges shall be eligible for the payments provided in sub. 2.

b. Educational program payments shall be made as soon as is administratively practicable following the close of the calendar year in which eligibility therefor is established. No payments will be made to an employee for any calendar year in which the employee did not remain in the employment of the fire department for the full calendar year. An employee who attains the required degree during the calendar year shall be paid a prorated amount from the first pay period after the date the degree is awarded to December 31 of that calendar year.

c. Educational pay shall not be used in the calculation of overtime pay or in the calculation of pension benefits. Any payment made under this section shall not have any sum deducted for pension benefits, nor shall such benefits be included in the determination of pension benefits or other fringe benefits.

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, or effective for payments for calendar year 2009, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Inc., Northwest Association of Colleges and Schools, Southern Association of Colleges and Schools and the Western Association of Schools and Colleges at the time the degree was granted.

e. An employee shall be responsible for making the necessary requests of the educational institution for the purpose of informing the fire department as to the attainment of a degree and shall be responsible for any costs associated therewith.

f. Administration and control of this section shall be by the fire chief and the city.

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350-152. Fire Department: Special Emergency Medical Technician Pay.

1. POSITIONS ELIGIBLE. Employees in active service and in the position of fire chief shall be eligible for annual special emergency medical technician payments provided under this section in accordance with the terms and conditions established, as long as they are in active service and in such classification.

2. COMPENSATION. Employees who have attained and maintained state-certified emergency medical technician-1 status shall receive an amount in addition to base salary equivalent to \$750.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served in emergency medical technician-1 status shall be made for those employees who have held emergency medical technician-1 status for less than 1 calendar year. For purposes of prorating, an employee who has held emergency medical technician-1 status for at least 14 days in a calendar month shall be deemed as having held emergency medical technician-1 status for the full calendar month; in the event an employee has held emergency medical technician-1 status less than 14 days in a calendar month, exclusive of any mandatory furlough time, the employee shall be deemed as not having held emergency medical technician-1 status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees must be in active service on December 31 of a calendar year in order to be eligible for that calendar year's payment.

d. Except as provided in par. e, payments made under the provisions of this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any fringe benefit.

e. An employee in active service who retires on a normal pension shall have his or her special emergency medical technician pay to a maximum of \$550 included in final average salary for purposes of computing his or her normal service retirement allowance. For purposes of interpretation and construction of this section, the special emergency medical technician pay benefit to which the employee is entitled to include in the final average salary computation shall be equal to the special emergency medical technician pay payment the employee received for the calendar year immediately preceding the employee's effective date of retirement to a maximum of \$550.

f. Administration and control of this section shall be by the city.

350-152.5. Fire Department: Special CPR Pay.

1. POSITIONS ELIGIBLE. Employees in the position of assistant chief, fire, shall be eligible for annual cardiopulmonary resuscitation (CPR) payments under this section.

2. COMPENSATION. An employee who has successfully completed an approved course in CPR shall receive a compensation of \$200 in addition to his or her base pay.

3. ADMINISTRATION. a. Payments made under sub. 2 shall be paid as soon as administratively practicable after December 31 of the year in which they were earned. Prorata adjustment to the nearest calendar month on the basis of time served as CPR-qualified shall be made for those employees who have held CPR qualified status for less than one calendar year. For the purpose of prorating, an employee who has held CPR-qualified status for at least 14 days in a calendar month, exclusive of any mandatory furlough time, shall be deemed as having held CPR-qualified status for the full calendar month; if an employee has held CPR-qualified status less than 14 days in a calendar month, the employee shall be deemed as not having held CPR-qualified status at all during the calendar month.

b. An employee who separates from active service on account of voluntary resignation or normal service retirement during a calendar year shall receive the amount set forth in sub. 2 prorated on the basis of his or her active service during that calendar year computed to the nearest calendar month.

c. Except for employees who separate from active service during a calendar year on account of normal service retirement or voluntary resignation, employees shall be in active service on December 31 of a calendar year to be eligible for that calendar year's payment.

d. Payments made under this section shall not be construed as being part of an employee's base pay and shall not be included in the computation of any other fringe benefit.

350-153. Former Town of Lake Firemen's Pension Fund.

1. Any city of Milwaukee employee who is a member of the former Town of Lake firemen's pension fund system and employed on July 28, 1974, in the Milwaukee fire department as a fireman as the term fireman is defined in s. 36-02-16 of the Milwaukee city charter who has qualified for pension rights under such Town of Lake firemen's pension fund shall be entitled to receive, in addition to the benefits provided for in aforesaid Town of Lake firemen's pension fund, 2% of such employee's final average salary for each year of such employee's creditable service in excess of 25 years of service, up to a maximum of 10 such excess years of service.

2. The term "final average salary" as used herein shall mean the average annual regular base salary computed on the year of service preceding the date of retirement during which the employee's regular base salary was the highest.

3. Payments made such employee or his beneficiary resulting from such additional 2% of final average salary per year of creditable service for years of service in excess of 25 years of service shall be called supplementary service credit payments.

4. In the event such employee's benefits presently provided for by aforesaid former Town of Lake firemen's pension fund are increased by the Wisconsin state legislature in any way, then the monetary amounts payable to such employee or his beneficiary owing to such increase shall cause aforesaid supplementary service credit payments to be reduced by like amounts on a dollar for dollar basis.

350-155. Outside Employment.

1. NOT PERMITTED. Except as provided in sub. 2 and 3, no member of the fire department shall be engaged in any other employment, nor shall he receive compensation for the performance of any other service for the city; provided that if a member of the fire department shall be incapacitated and unable to perform his regular duties as a member of the department, and such fact has been properly

ascertained, he shall be permitted, with the approval of the chief, to be engaged in employment outside of his regular fire department duties for a period of 6 months, such period to be extended for one additional 6-months' period upon the approval of the chief of the fire department. No such member shall be reinstated to employment in the fire department until such member has passed a medical examination for the particular disability for which such member has been incapacitated, showing such member fit for active duty with the fire department.

2. NONEMERGENCY EMPLOYEES.

Members of the Milwaukee fire department shall consist of 2 categories as related to the emergency and nonemergency nature of their duties. Employees of nonemergency nature shall be classed as those whose titles fall within the pay ranges established for the first 4 clerk-stenographer levels of the city service, and such nonemergency employees shall be excluded from the provisions of sub. 1

3. EXCEPTION. Effective January 1, 1969, members of the fire department may engage in outside employment for a maximum of 16 hours per week noncumulative, administered by the chief engineer, fire.

350-163. Policemen and Firemen Duty Disability.

Any policeman or fireman receiving duty disability payments from the employees' retirement system who has one or more children under the age of 18 years, who are either issue of such policeman or fireman or who have been legally adopted pursuant to statutes of the State of Wisconsin, shall be paid out of the general fund the sum of \$80 for each such living child up to the time that such child reaches the age of 18; provided, however, that the total amount of salary earned through gainful employment, together with the aggregate payments for such child allotment, and pension allowance to any one policeman or fireman who is on duty disability shall not exceed the current monthly salary for the position held by such person at the time of retirement, independent of the number of minor children under the age of 18. The payments shall continue only as long as such policeman or fireman receives duty disability payments from the employees' retirement system. In order to be eligible for such child allotment the policeman or fireman requesting such payments shall file an affidavit setting forth the names of the child or children eligible for such child allotment, their date of birth, where such children were born, whether such children are issue of such applicant or whether such children have been adopted, and if

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adopted, a detailed statement of the circumstances under which such adoption occurred. This section shall be administered under the supervision and direction of the city comptroller and the city treasurer, and the city comptroller shall determine the procedures by which payments shall be made and such other requirements as may be necessary in the opinion of both the city comptroller and city treasurer in order to safeguard the rights and interests of the city. The application form shall, in addition to all other information, state on the face thereof that the applicant agrees for himself and his minor children that any payment made under the terms of this section as a child allotment may be terminated at the sole option of the city, at any time that action to terminate such child allotment is taken by the common council. Such payment is in no way either an expressed or implied agreement on the part of the city, but only constitutes a voluntary payment on its part, which the city may terminate at any time it so determines. Failure of the city to appropriate money for this purpose shall automatically terminate all child allotment payments.

350-165. Physical Examination of Applicants.

Whenever application is made for a position on the fire or police force of the city of Milwaukee, the applicant shall report to the secretary of the fire department or of the police department, or his assistant, and shall be assigned to regularly appointed physicians or surgeons of the respective departments for a physical examination. The examination shall be given to the applicant by the respective designated physician or surgeon without charge to such applicant.

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SUBCHAPTER 8
TRANSPORTATION AND TRAVEL

350-181. Authorized Travel Regulations and Procedures. 1. DEFINITIONS. In this section:

a. "Conference" means an event, the location of which may vary, with a formalized agenda in which professionals of a similar background gather to consult with one another on professional matters.

b. "Convention" means a meeting of the membership of a large career or occupation oriented group or association, which occurs on a regularly recurring basis, such as annually, bi-annually or semi-annually. A convention will generally possess most of the following characteristics:

b-1. Is attended by members of the organization, who are ordinarily charged annual dues.

b-2. Is generally held in a different city each year, thus ordinarily requiring travel and lodging expenses.

b-3. May involve a registration fee.

b-4. Usually involves a general session, several more specific workshops, a dinner and a reception.

b-5. Can vary in geographic emphasis, i.e., national, regional, state or a combination thereof.

c. "Official or employee" means a person appointed or elected to a position in the city government, who is paid for their services by city payroll check or a public member of a city board or commission eligible for expense reimbursement from the city.

d. "Other city business travel" means travel to attend a seminar or other travel which is undertaken by a city official or employee in order to carry out duties devolving on a department or agency, which have been assigned thereto by the city charter, code or resolution of the common council or at the request or direction of the mayor. Training courses funded by department appropriation which require out-of-city travel also fall within this category.

e. "Seminar" means a training course provided by a person or agency that is not an employee, department or agency of the city. The location at which the course is offered can vary from as local as city hall or as far away as the continental boundaries of the United States. It may include courses covered by on "city time" use of the city's tuition reimbursement program and training courses funded by a departmental

budget appropriation provided for training purposes.

2. AUTHORIZATION. a. The following out-of-city travel requires common council approval:

a-1. All conventions.

a-2. All travel by members of the common council.

a-3. Any travel to be paid from the common council contingent fund. It is the policy of the common council and mayor that, in the ordinary course of business, departments should budget for travel expenses from departmental accounts. Use of the common council contingent fund for travel will only be approved under extraordinary circumstances where a department can demonstrate that travel was essential and unanticipated and that departmental funds are not available for such travel.

b. All other travel for which budgeted funds are available shall require the approval of the respective department head, manager or supervisor.

c. Departments shall adhere to the administrative guidelines for automobile and travel allowance provided in ss. 350-181 to 350-187.

d. Departments shall adhere to the administrative guidelines established by the department of administration for transportation and travel.

3. CONVENTIONS. a. Eligibility.

a-1. No more than 2 persons from the same city department or a division of the department of public works shall be authorized to attend the same convention. Exceptions to this policy may be made on a case by case basis only when special circumstances are presented or when the city of Milwaukee is the host.

a-2. Authorization to travel may be designated to the department or bureau staff with the attendee to be determined by the department or bureau head.

a-3. The maximum number of yearly conventions to be authorized to each city department or department of public works division shall not exceed the guidelines established by the committee on finance and personnel. In addition, each department or department of public works division may be authorized no more than 2 additional employees to attend one convention each in Wisconsin or the Chicago area within a given year.

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a-4. No more than 2 board or commission members per year from the same board or commission shall be authorized to travel, either to the same or different conventions.

a-5. Both the department head and the first assistant or deputy shall not be authorized to undertake out of city travel on city business during the same period of time. Exceptions to this policy may be made on a case-by-case basis.

b. Request Procedures.

b-1. Requests shall be submitted once per year, prior to November 15, for all conventions anticipated to be attended in the next year. Except as provided in subd. 3, such requests shall be submitted to the department of administration on forms prescribed by that department. Only requests which have been approved by the respective department head or chair of a board or commission as being necessary in the city's best interests and in compliance with the eligibility restrictions and guidelines cited in par. a, shall be considered for authorization. The department of administration shall prepare the necessary resolutions to authorize convention attendance. The estimated costs of each convention to be included in the resolution shall be computed by the department to assure uniformity and prudence in the allocation and expenditure of public funds for this purpose.

b-2. Requests for attendance at conventions submitted after November 15 each year shall be considered only if there is an extraordinary reason for their necessity. Such requests are to be submitted directly to the common council by letter, citing the completed convention request form.

b-3. Requests for convention attendance by the mayor and members of the common council shall be submitted directly to the common council on an as needed basis during the year. Attendance shall be authorized by resolution adopted by the common council.

b-4. Substitution of a different convention from the one that has been previously authorized shall require a new authorization by resolution. Such substitution shall be requested by letter to the common council citing the reasons for the change. Changes in the location of a convention or dates held shall not require further authorization provided additional funding is not requested.

4. OTHER TRAVEL. Requests by common council members for authorization for other city business travel and any requests for travel to be paid from the common council contingent fund shall be submitted to the city clerk. The city clerk shall process such requests, including preparation of the necessary resolutions for adoption by the common council.

5. ADVANCE OF FUNDS. a. No advance of funds for travel expenses shall be made unless the travel has been authorized under this section. Advances of funds for travel expenses shall be made by city accounts payable check from a properly audited request for advance form, signed by the officer or employee requesting advance of funds and the employee's supervisor and a control group register and voucher approved by the department head or delegated representative.

b. Accounts payable checks for advances of funds for travel expenses may be issued to transportation agencies for transportation tickets, lodging establishments for lodging deposits, or to the organization in charge of a convention or training program for registration fees.

c. The amount stipulated in the authorizing resolution shall serve as authorization for the city accounts payable check to be issued to make the necessary dollar advances for such purposes in context with the properly executed request for advance form.

6. REIMBURSEMENT. a. For travel authorized under this section, the city shall pay or reimburse for allowable expenses directly related to the employee's job-related travel including:

a-1. Required registration expense incurred and reported by the attendee.

a-2. Actual transportation-related expenses for employees traveling 50 miles or further one way (or 100 miles round-trip), including up to one checked bag, not to exceed round-trip coach fare unless otherwise approved. Additional baggage fees may be reimbursed if the employee is required to carry additional materials. The choice of transportation to be used, including use of a personal automobile, shall be at the option of the respective official or employee. However, the amount of time to be allowed for travel shall be determined by the respective department head. If a personal automobile is used, reimbursement shall be in

accordance with s. 350-183. If the use of a rental vehicle has been approved in advance, the employee shall be reimbursed for up to the total cost of daily rental fees for a standard vehicle, taxes, standard surcharges, and fuel for business use only. Additional charges for upgrades or added services shall not be reimbursed unless authorized. Charges related to the employee's personal use of the rental vehicle shall not be reimbursed. If an employee chooses to drive to the event, he or she shall use a pool car, a rental car or be reimbursed up to the IRS mileage rate for use of his or her personal automobile for travel unless otherwise noted. Transportation to Chicago shall be reimbursed up to the cost of a coach rail ticket unless otherwise approved. Department heads shall make the final determination and shall consider factors such as location, individual needs of the employee, security and safety issues, and other specific circumstances of the event.

a-3. Actual expenses incurred and reported for lodging for trips in which timely same-day travel is not economically available or practicable. Reimbursement shall be provided for up to but not exceeding the single rate for a standard hotel room, unless otherwise approved, for the number of days of actual attendance at the event, or for other city business travel, but not to exceed 5 days. Exceptions to this policy may be made on a case by case basis. Luxury room rates or expenses for nonessential amenities shall not be reimbursed.

a-4. Expenses incurred for meals plus tips of up to 15%, up to but not exceeding the federal meal per diem for the travel destination for the number of days of actual attendance plus one. Receipts shall be required at the discretion of the department head. The appropriate per diem amounts shall be in accordance with the guidelines issued by the department of administration. Meals shall be reimbursed for employees traveling 50 miles or further one-way from the city (100 miles roundtrip) unless otherwise approved.

a-5. Actual expenses incurred for other items or services necessary for the employee to conduct city business. These may include parking, tolls, taxi or shuttle fares, and tips not to exceed 15% of fare expenses.

a-6. Expenses incurred for long-term vehicle parking at or travel to the departure airport when traveling by air.

Reimbursement shall be provided for the period commencing 2 hours prior to a scheduled flight departure and ending one hour after the arrival of the return flight.

b. Reimbursement shall not be provided for extra days of unrequired events such as parties, dinners, balls, etc., or for cancellations or reservation changes unless they are due to business necessity or hardship such as illness of the employee or the illness or death of an employee's family member.

c. The city comptroller is authorized to approve individual variances between the estimated amount established for travel and the actual reimbursement in context with par a. This can be done without the need for amendments to the itemized amounts contained in the original authorizing resolution, except that if the total funding provided in the resolution appears inadequate to fund all authorized travel contained therein, the comptroller shall initiate a supplemental funding request by resolution in a timely manner to prevent overexpenditure before such funding is provided by resolution.

d. Itemized receipts for all expenses shall be submitted unless otherwise noted. Employees shall consult the guidelines or the comptroller's office for examples of acceptable alternatives if itemized receipts are not available. The conference or seminar agenda shall also be submitted.

e. Whenever an advance of funds has been made for travel authorized under this section, the official or employee receiving the advance shall within 15 days after returning to the city file documentation to repay the city for the full amount of the advance. In order for the officer or employee to repay the full amount of advance the person shall:

e-1. File with the city comptroller an itemized statement of actual and necessary expenses with all required documents as specified in sub. 7.

e-2. Make full settlement of the travel advance to the city treasurer within 5 working days after receiving notification from the city treasurer that the city comptroller has issued a check made payable to the city treasurer or the official or employee, or both, for the actual and necessary expenses.

f. The procedure in par. e shall be followed unless the official or employee chooses to repay the full amount of the advance to the city treasurer prior to submitting an itemized

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statement of expenses and prior to expiration of the 15-day limit. The city treasurer shall, if the documentation is not filed within 15 days after the date of return to the city, retain out of the next salary due the employee the full amount of the advance made for travel until the official or employee has complied with this section, and the employee shall be ineligible to receive travel advances in the future. Exceptions to the deadline for settlement may be granted in cases of hardship.

7. REPORTS. Each person who attends an authorized convention or similar activity shall submit an approved travel request form, an approved statement of expenses, the event program or agenda, and, at the discretion of the department head, manager, or designated supervisor, a completed and signed conference/training evaluation demonstrating the benefits derived from attendance. All forms, receipts, and supporting documentation shall be received by the comptroller's office no later than 15 days after the employee returns. Failure to comply may result in the forfeiture of any reimbursement due the employee or loss of travel privileges. Exceptions to the submission deadline may be made on a case-by-case basis. Employees seeking an extension in cases of hardship, such as illness of the employee or the death or illness of a family member, shall contact the comptroller's office.

9. GUIDELINES. The department of administration may issue guidelines relating to procurement of transportation, lodging, meals, automobile rentals and other travel arrangements consistent with this section. Such guidelines shall be approved by the common council.

10. EXEMPTIONS. a. This section does not apply to the city's legislative activities which are authorized and shall be accounted for pursuant to s. 304-11.

b. This section does not apply to travel undertaken by the mayor or common council president, if the travel expense is charged to their respective special expense funds, in which case such travel shall be deemed authorized.

c. This section does not apply to grant-funded travel. For grant-funded travel, an employee shall comply with the guidelines set forth by the funding source.

d. A department head may make exceptions to this policy on a case-by-case basis when necessary to meet the needs of his or her department. Any ongoing exceptions or modifications shall be approved by the department of administration and written in the department's individual travel policy or guidelines.

All exceptions shall be properly explained on the statement of expenses.

11. TRAVEL AND TRAINING DURING FURLOUGHS. If the authorized, paid travel or training for any city official or employee coincides with any furlough dates, the furlough time shall be rescheduled as approved by the department head.

350-183. Private Transportation Reimbursement.

1. AUTHORIZATION. Proper city officers are authorized to reimburse city officials and employees occupying positions designated in the positions ordinance as being eligible to be paid for the use of their private automobiles on city business when at the discretion of the department head it is necessary that such automobiles be used on city business. Departments shall adhere to the administrative guidelines for automobile and travel allowance.

2. REIMBURSEMENT. Reimbursement is to be made from funds available to the respective departments for bills rendered, audited and certified for payment as are other bills of the city.

3. MILEAGE REPORT. The authorized employee or official incurring mileage on his or her private automobile in the conduct of official business for the city shall submit a record of mileage incurred on city business during the month and attest to the accuracy of the mileage through the online program "City Time" and comply with a specific timetable for entering the data and for approval by the department head or designee that has been provided by the comptroller's office. The applicable rate for mileage shall be the IRS travel reimbursement rate.

4. APPROVAL. a. The department head of the agency for which the private automobile expense was incurred shall approve and attest to the accuracy and reasonableness of each mileage report submitted.

b. All private automobile reimbursement payments to employees exceeding 1,000 miles monthly shall be concurred by the finance and personnel committee before payment is made.

5. INSURANCE. The authorized employee or official using his private automobile in the conduct of city business shall have at least the minimum insurance coverage prescribed by state law and shall have declared the use of his automobile on city business to his insurance company to protect the city's interests. It shall be the responsibility of his department head to see that the employee is adequately covered by such insurance before he approves the use of a private vehicle on city business and reimbursement for such use.

6. POSITIONS AUTHORIZED. In the event that a position for which private automobile reimbursement is authorized is filled by an incumbent classified at a lower level, private automobile reimbursement is authorized under the same conditions that apply to the authorized positions.

7. RATES. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, mileage incurred on official city business by an employee or official authorized to be reimbursed for use of his or her private automobile, excluding members of the common council who shall be reimbursed as provided for in sub. 8-a, shall be made once per month based on the internal revenue service standard mileage rate in effect for each mile driven on official city business.

8. COMMON COUNCIL MEMBERS. a. In order to provide transportation which is necessary and essential to the discharge of the official duties of the members of the common council, each member shall be entitled to a monthly payment. This payment shall not be made if during the month the member has not attended any of the scheduled meetings of the council, unless excused by the council president, and has not attended any of the scheduled meetings of the standing committees to which the member is appointed, unless excused by the committee chair.

b. The monthly rate shall be indexed annually on the basis of the private transportation component of the Consumer Price Index's U.S. City Average for Urban

Wage Earners and Clerical Workers, published by the U.S. Bureau of Labor Statistics. The monthly transportation rate shall be increased or decreased (rounded to the nearest dollar) on the basis of the percentage change (calculated to the nearest 1/10th of 1%) in the annual average index numbers for the immediately preceding two calendar years.

9. EXCEPTIONS. Employees or officials who make occasional, non-routine trips outside the city on official business, but who are not specifically authorized by title in the positions ordinance to be reimbursed for private automobile mileage incurred on city business shall be covered by the following provisions:

a. City officers shall, upon presentations of properly certified statements, reimburse employees or officials for properly authorized travel at the rates specified in sub. 7, except that on trips of less than 50 miles one-way (100 miles round-trip), mileage reimbursement shall not be provided unless otherwise approved.

b. If one person is traveling by car, the reimbursement for mileage shall not exceed coach air fare for the same trip; or, if 2 or more persons travel together in one car, reimbursement shall be for actual miles traveled in accordance with the schedule in sub. 7 and shall be paid to only one person traveling in the car.

c. On trips over 500 miles to destination, if 2 or more persons travel together in one car, the person (or persons) not granted mileage reimbursement may be reimbursed for up to 2 additional days for hotel and miscellaneous expenses upon filing properly certified statements. This reimbursement shall not exceed coach air fare.

d. If the conveyance is by means other than private automobile, reimbursement shall be on the basis of actual transportation expenses incurred.

e. The private automobile of the employee or official shall be covered by insurance as required in sub. 5.

350-185. Automobile Reimbursement; Withholding Taxes. 1. REPORTS REQUIRED. Each city officer or employee, excluding members of the common council, who is furnished a city-owned vehicle to provide transportation which is necessary and essential to the discharge of his official duties or who is reimbursed for expenses incurred in the use of his private automobile on

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city business as provided in s. 350-183 shall report as directed by the city comptroller to the city comptroller the official business mileage and personal mileage driven in city-owned vehicles or his privately owned vehicle. The use of a city-owned vehicle from the home or place of residence to the place of work and from the place of work to the home or place of residence and all other mileage not within the usual, regular or customary duties of the official or employee affected shall be deemed personal mileage. In doubtful cases, the city comptroller shall determine the nature of the mileage reported.

2. WITHHOLDING ON NONBUSINESS MILEAGE. The city comptroller shall annually, or as often as is necessary or appropriate, compile such data and calculate such mileage at the authorized rate per mile and determine the fair market value for the personal use of city-owned vehicles in accordance with applicable law and as is approved by the internal revenue service of the United States. Upon completion of such calculation and compilation, the comptroller shall withhold from the employee's paycheck such amounts as is required to comply with the tax liability of the city in accordance with the requirements of applicable federal, state, and FICA law and he shall add the required amount to the individual's W-2 form as added compensation. This amount shall not be part of the city of Milwaukee salary ordinance and shall not be included in the base for pension, group life or other fringe benefits based on salary.

350-187. Odometer Readings of City Automobiles. **1. CERTIFIED STATEMENT.** Whenever there is established in the city budget an appropriation to cover allowances for operation and maintenance of automobiles owned by city officials or employees and used on city business, before such allowance shall be paid, such official or employee shall prepare such certified statements as are required, and containing such information as shall be deemed necessary by the comptroller. Such certified statements shall be submitted to the head of the employing agency, who shall check the statement for accuracy, and shall certify to same by his signature and shall prepare a payment form as prescribed by the city comptroller, which, together with the certified statement as approved, shall be forwarded to the comptroller for payment. The comptroller shall refuse to allow any payment unless

certified information as required has been submitted.

2. REGULATIONS. Such automobile allowances shall conform to the conditions of all common council resolutions or city ordinances describing conditions under which the allowance shall or shall not be paid. In no case shall miles driven between the official's or employee's home and the location considered to be the base of operations be included as miles driven on city business.

350-188. Parking.

1. ASSISTANT CITY ATTORNEYS. Assistant city attorneys shall receive parking paid for and secured by the city.

2. POLICE ADMINISTRATION BUILDING EMPLOYEEES. Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees assigned to the police administration building shall be reimbursed for parking. The reimbursement shall not exceed \$125 per month, nor shall it exceed the actual monthly costs paid for by the employee. To be eligible for reimbursement, the employee shall submit all parking receipts to the police department administration. Receipts for parking paid by the month shall be submitted by the 15th of the current month. Receipts for parking paid by the day shall be submitted by the 5th of the following month.

SUBCHAPTER 9
GENERAL REGULATIONS

350-201. Appointment and Duties of Employees. All the officers and employees of the city of Milwaukee, unless now otherwise provided by law, the charter of the city of Milwaukee or by ordinances, or unless otherwise provided in these general ordinances, shall be appointed by the head or heads of the respective departments to which they belong and shall perform such duties outside of those prescribed by law and the ordinances of the city, as the rules of the department may provide and the head or heads thereof may direct.

350-203. Diversity, Equal Employment Opportunity and Affirmative Action.

1. **DECLARATION OF POLICY.** It is the policy of the city of Milwaukee to provide equal employment opportunities to all qualified persons without regard to their race, religion, color, age, disability, sex, national origin, sexual orientation, marital status, membership in the military reserves, creed, ancestry, arrest or conviction record, or use or nonuse of lawful products away from work. In adhering to this policy, the city complies with the Wisconsin Fair Employment Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, and other applicable statutes and regulations relating to equal employment opportunities. This policy represents the city's commitment to a nondiscriminatory work environment for all qualified applicants and employees. The city of Milwaukee is an employer which values the diversity of its employees.

2. **DEFINITIONS.** In this section:
a. "Affirmative action" means, in employment, the screening of position descriptions and selection criteria to ensure the use of appropriate, job-related requirements; comprehensive and inclusive advertising and recruiting efforts; special or targeted recruiting in addition to traditional methods; training plans and programs, including on-the-job training; and gender-neutral and culturally bias-free criteria to be used when making employment decisions relating to recruitment, hiring, performance evaluation, promotion, transfers, training opportunities, compensation and other terms and conditions of employment and termination.

b. "Diversity" means, in addition to differences based on ethnicity, gender, age, religion, disability, national origin and sexual orientation, an infinite range of individuals' unique characteristics and experiences, such as communication styles, career, work, life experience, educational backgrounds and other variables. Diversity focuses on tapping the talents of people of different backgrounds, experiences and perspectives as a means of improving the workplace environment and productivity. Diversity awareness works to create an environment that recognizes values and utilizes the unique skills and abilities of all employees. The goal of diversity awareness is to create an inclusive, respectful and equitable work environment.

c. "Equal employment opportunity" means the equal and fair treatment of all qualified applicants and employees with regard to city employment practices, including, but not limited to, recruitment, selection, hiring, training, promotion, compensation, benefits, transfers, discipline, terms and conditions of employment, and layoffs.

3. **OFFICE OF DIVERSITY AND OUTREACH.** There is established, under the direction of the employee relations director, an office of diversity and outreach for the purpose of promoting the importance, benefit and necessity of maintaining diversity within the city's workforce and ensuring compliance with applicable policies, ordinances, statutes, laws and executive orders. The office of diversity and outreach shall have other duties pertinent thereto, including but not limited to:

a. Reviewing and assisting the development of diversity, equal employment opportunity, affirmative action plans of the various city departments to ensure that each plan is consistent with the overall city plan.

b. Maintaining statistics, which include, but are not limited to, the proportion of underrepresented group members at all levels and job classifications in the city's workforce and the availability of qualified underrepresented group members in the labor force of the relevant labor areas. The statistics shall indicate how each group has been affected by new hires, training opportunities, promotions and discipline.

c. Counseling employees, managers and others about diversity, equal employment opportunity and affirmative action issues in the workplace.

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d. Facilitating diversity related training programs and workplace mediation.

e. Receiving and investigating complaints of discriminatory employment practices, workplace violence, or of harassment in the workplace from city employees. If an investigation discloses a violation has occurred, the diversity and outreach officer shall work with department heads and managers to implement corrective action and resolve the situation.

f. Receiving and investigating complaints filed with the city equal rights commission regarding any resident who believes that he or she has been discriminated against in employment or housing within the city.

g. Receiving and investigating complaints filed with the fire and police commission regarding any citizen who believes he or she has been treated by an employee of the fire or police department in a manner that violates fire and police commission or departmental rules.

h. Identifying and maintaining comprehensive and effective recruitment methods that promote a diverse workforce.

i. Monitoring results of police and firefighter training, with emphasis on female and minority recruits.

j. Participating in performance examinations, job fairs, and police aide and fire cadet recruitment activities at high schools and other locations.

k. Working through a comprehensive community relations effort and public information program to enhance the image of the fire and police service.

L. Reviewing all state of Wisconsin and federal laws, rules and regulations concerning equal employment opportunities to ensure compliance.

4. DIVERSITY AND OUTREACH OFFICER. The diversity and outreach officer shall, under the direction of the employee relations director, manage the day-to-day operations of the office of diversity and outreach; perform complaint intake functions; investigate complaints; serve as the city's Americans with Disabilities Act coordinator; ensure compliance with applicable ordinances, statutes, laws and executive orders; have responsibility and authority for the development and implementation of a comprehensive diversity, equal employment opportunity and affirmative action plan for the city; and function as the liaison between the fire and police departments, the fire and police commission, the media and the community.

5. DEPARTMENT DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLANS. Each city department shall submit a diversity, equal employment opportunity and affirmative action plan every 2 years. The office of diversity and outreach shall provide guidelines and a time line for submitting the plans.

6. CITYWIDE DIVERSITY, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN.

a. The department of employee relations shall incorporate the individual departmental plans into a citywide diversity, equal employment opportunity and affirmative action plan that shall be submitted to the city service commission. This plan shall be prepared every 2 years.

b. Upon approval by the city service commission, the plan shall be submitted to the mayor and common council. Upon adoption, the plan shall be distributed to all city department heads.

7. IMPLEMENTATION.

a. Recruitment. The department of employee relations shall practice comprehensive and inclusive advertising and recruiting efforts, which may include special recruiting targeting previously underrepresented groups, in addition to traditional recruiting methods.

b. Training. The department of employee relations shall develop training plans and programs, including on-the-job training, designed to develop the knowledge, skills and abilities essential for developing each employee's fullest potential. The department of employee relations shall develop and provide relevant training to increase employees' knowledge and awareness of laws and regulations, as well as the city's policies relating to diversity, equal employment opportunity and affirmative action and respecting diversity in the workplace.

c. Testing, Selection, Placement and Promotion. The department of employee relations shall review city testing, selection, placement and promotion policies to ensure that they comply with applicable laws and regulations relating to equal employment opportunities.

8. ACCOUNTABILITY AND REPORTS. The department of employee relations shall be responsible for the successful implementation and coordination of the citywide diversity, equal employment opportunity and affirmative action plan. In turn, each department head shall be accountable for the successful

implementation of their departmental diversity, equal employment opportunity and affirmative action plan.

350-204. Direct Deposit for City Employees.

Each employee who is capable of maintaining a financial relationship with a banking institution shall participate in the direct deposit of city pay checks.

350-205. Flexible Spending Account.

1. ESTABLISHED. There is established a flexible spending account program for city employees. The plan shall enable employees to fund with pre-tax dollars employee and dependent costs associated with coverage under existing city health and dental programs, a health care flexible spending arrangement and a dependent care assistance flexible spending arrangement. The plan shall be an eligible plan under sec. 125 of the internal revenue code. The plan shall be by specific written master agreement and salary reduction agreements executed by eligible employees which shall provide for reduction of such amount of compensation from employees' wages as is authorized by employee and the city for expenditure in accordance with the plan.

2. ELIGIBILITY. City employees eligible for benefits shall be eligible for participation in the flexible spending account plan. In order to participate, employees must file a written election.

3. ADMINISTRATION. The plan shall be administered under the supervision of the department of employee relations. The master agreement governing the plan shall be approved by the common council. The treasurer shall be the custodian of funds held by the city under the plan. The city may contract with a third party administrator and any such agreement shall be subject to common council approval.

350-206. Tuition Benefits; All Employees.

Unless stated otherwise in a certified collective bargaining agreement while it is in force and in effect, employees shall be eligible for tuition benefits relating to tuition and required textbooks. Tuition benefits shall be \$1,200 per calendar year. The following provisions apply:

1. Up to \$600 of tuition benefits per calendar year may be used for job or promotion-related certifications and license fees.

2. Up to \$1,200 in tuition benefits per calendar year may be used for job-related membership dues.

3. Police aides shall be eligible for a combined maximum of \$2,400 during the first 2 calendar years of employment.

4. The department of employee relations shall establish guidelines for the administration of tuition benefits.

350-207. Bonds for Officers and Employees.

1. CITY TREASURER AND DEPUTY. Before entering upon the duties of their respective offices, the city treasurer and the deputy city treasurer shall each be covered by corporate surety bonds in the amount of \$200,000 executed to the city of Milwaukee. The bonds shall be official bonds subject to ch. 19, Wis. Stats. The common council, by resolution, may require that the said officers be covered by new and additional bonds and may remove either or both of them from office for failing to be covered by proper bonds. The cost of the bonds shall be paid by the city.

2. OTHER OFFICERS AND EMPLOYEES. Pursuant to s. 3-22 of the city charter, the common council, by resolution, may require that other officers and employees be covered by faithful performance or honesty type bonds, either in individual form or under a blanket bond, or both, and may remove any of them from office for failing to be covered by proper bonds. The cost of such bonds shall be paid by the city.

3. APPROVAL. All bonds shall be approved as to form and execution by the city attorney.

350-209. Hours of Labor of City Employees.

1. WORKDAY. Department heads shall determine hours of work, but the basic workday of all employees of the city shall consist of 8 hours in a calendar day. As far as it is practicable this workday shall conform with the established hours of business. This conformity shall not interfere with the special time schedules governing departments operating more than 8 hours in each calendar day, nor shall this provision for an 8 hour day for city employees be construed as prohibiting the creation of part-time employment or the establishment of rotative, staggered or shortened work periods.

2. WORK WEEK. The service week of every employee or officer of the city shall be limited to 5 days' employment or duty per week except in cases where such reduction would conflict with some legal requirement. This in no way prohibits a department head from establishing an alternative work schedule. So far as is practicable the days on which employees and officials shall not be required to work shall be Saturdays and Sundays in order to provide uniformity and an opportunity to take advantage of

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the economies of a complete shutdown of city activities. If the regular schedule of departmental operation requires work on these days, this work shall not be considered overtime work, and the employee shall be entitled to time-off during such periods as the department head may designate.

3. ALTERNATIVE STAFFING MODELS. Department heads, in conjunction with the department of employee relations, shall develop alternative work arrangements suited to departmental operations and employees' personal needs. Such alternative work arrangements shall be approved at the discretion of the appointing authority and may include, but are not limited to, alternative work schedules, flexible schedules, job sharing, part-time employment and tele-commuting. The department of employee relations shall be responsible for developing city-wide guidelines and administrative procedures regarding alternative work arrangements. Appointing authorities shall consider the extent to which such arrangements support and enhance departmental efficiency, productivity and services to the public. The department of employee relations shall submit an annual report regarding alternative staffing arrangements each June as a communication to the finance and personnel committee.

350-210. Severe Weather Emergency Policy. City employees shall make every effort to report to work every day and to serve the public including during severe weather conditions. However, when severe weather conditions create the potential of endangering the general health and safety of city employees, their families, and the public, the mayor, in consultation with the commissioner of public works and the commissioner of health, may declare a severe weather emergency. The declaration shall authorize department heads to make operations and service-delivery determinations concerning hours of operations, work activities and assignments in anticipation of or during the severe weather emergency.

1. POLICIES. The director of employee relations shall issue policies and guidelines for employees and for the treatment of employee absences during a severe weather emergency as declared by the mayor.

2. RECORD KEEPING. The city comptroller shall develop and establish record-keeping practices for payroll and related functions to ensure compliance with the policies specified in this section and other applicable federal and state regulations.

350-211. Political Activity Prohibited. 1. BY DEPARTMENTS, BOARDS, ETC. The heads of city departments, bureaus, boards and commissions or any member of their respective departments, bureaus, boards and commissions, in their official capacities, are prohibited from recommending any changes or amendments of the laws of the state of Wisconsin to the legislature of the state of Wisconsin, or to any committee of the legislature, or to any member of the state legislature of the state of Wisconsin, or from recommending to the Wisconsin department of safety and professional services, or to any employee of Wisconsin department of safety and professional services any changes in the Wisconsin state building code adopted by the department in discharge of its duties under ch. 101, Wis. Stats., without first submitting to the common council any changes or amendments of the laws of the state of Wisconsin or of the state building code, and obtaining the approval of and a directive from the common council.

2. PENALTY. Willful violation of this section by any officer or employee shall be considered a cause for discharge, suspension or demotion subject to the law and rules regulating such actions.

350-213. Defense of City Officials and Employees. 1. TO DEFEND CIVIL ACTIONS. The city attorney is authorized to defend civil actions brought against any officer or employee of the city, or of any board or commission thereof, growing out of any acts done in the course of his employment or out of any alleged breach of his duty as such officer or employee, excepting action brought to determine the right of such officer or employee to hold or retain his office or position, and excepting also actions brought by the city against any officer or employee thereof.

2. CITY ATTORNEY LIABILITIES. Nothing contained in this section, nor any action taken by the city attorney pursuant to the provisions hereof, shall be construed to impose any liability, either for costs, damages or otherwise, upon the city or the city attorney, nor to obligate the city or city attorney to pay any cost or expenses in conducting the defense of any such action, it being the intention merely to authorize the city to furnish legal services to its officers and employees in the case mentioned without incurring any other or further obligations.

350-215. Photographs of Property. Every officer or employee of the city who is about to cause to be taken any photograph of property in

connection with any public work shall consult with the city attorney relative to those to be taken if it is apparent that the property or project may be involved in litigation.

350-217. Refusal to Pay Judgment; Employee to be Discharged. Every officer, clerk, assistant or employee of the city who shall refuse and neglect to pay and satisfy any final judgment rendered against him in a court of justice for any debt incurred or contracted by him for and during his appointment and employment as such officer, clerk, assistant or employee, shall be discharged from the service of the city. It shall be the duty of the chiefs of the several departments to discharge every officer, clerk, assistant or employee serving in their respective departments upon any information duly filed with them, verified by the affidavit of the person or persons making the same, setting forth the facts, and that the said officer or employee made default in the payment of such judgment or judgments or any part thereof, as the case may be; provided, that no such officer, assistant, clerk or employee shall be compelled to pay in any one month on account of such judgment or judgments a larger sum than 1/3 of the amount of the monthly salary of compensation he receives from the city; and, provided further, that the provisions of this section shall not apply to any officer or employee of the city who shall pay or cause to be paid every month 1/3 of his monthly salary or compensation until such judgment or judgments shall be fully paid and satisfied.

350-219. Participation in Governmental, Professional, Technical and Community Organizations.

1. POLICY. City employees are encouraged to participate in governmental, professional, technical and community organizations for purposes of performing public service and to enhance their job performance and thereby improve the efficiency of city operations.

2. GOVERNMENTAL ACTIVITIES. City department, division and bureau heads shall grant time off with pay up to 32 hours per year to employees appointed or elected to city, county, state or federal boards, commissions or committees for official meetings and functions of such bodies during regularly scheduled working hours. Time off with pay shall be granted only if the employee gives 48 hours notice requesting time off for such activities. Employees may be permitted additional time off with pay beyond 32 hours per year for attendance at meetings for the purpose of carrying out the business of a board,

commission or committee or for attending conferences necessary to the efficient discharge of the duties and responsibilities of a board, commission or committee if approved of by the finance and personnel committee upon receipt of a written request from a board, commission or committee requesting such additional time off with pay for an employee. Overtime pay as provided under this chapter shall be allowed if participation on the board, commission or committee is an extension of the employee's regular job.

3. NONGOVERNMENTAL ACTIVITIES AND PARTICIPATION IN VOLUNTEER ACTIVITIES. The department shall establish a volunteer time-off program, develop and implement guidelines for volunteer activities, and provide guidance and direction to city departments concerning the program. A city department, division, or bureau head may grant up to 32 hours of time off with pay per year to employees to attend meetings of governmental, professional, technical or community organizations. Up to 8 of the 32 hours may be used for non-city sponsored volunteer activities through the program. Permission shall be in writing and shall be granted only if the employee gives 48 hours' notice requesting time off for such activities. No overtime pay shall be allowed for such activities.

350-221. Identification Badges.

1. BADGES TO BE WORN. a. By City Employees. All city employees other than members of the police force who enter residences or business places in the city for the purpose of performing inspections or other related services shall be required as a condition of obtaining access to such residence or business to wear an identification badge bearing the photograph, name and/or employee number and that such person be designated as an employee of the city. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of such employee inspection or other related duties. This section shall not apply to inspectional personnel of the health department while in performance of job duties which require anonymity.

b. By Public Utility Employees. All employees of public utilities, as such term is defined in s. 196.01, Wis. Stats., who enter residences or business places in the city for the purpose of performing either inspectional service, or in the performance of any duty relating to the operation of such public utility or for the purpose of checking or installing any facility or appliance for which service is provided or is required to be

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provided by such public utility, shall be required as a condition of obtaining access to such residence or business to wear an identification badge which bears a photograph, name and/or employee number that such person be designated as an employee of a particular public utility. Such badge shall be worn on the front part of the employee's outer garment so that the same shall be easily visible at all times during the performance of the acts referred to in this section.

2. PENALTY. Any person found guilty of violating sub. 1 shall be punished by a fine of not less than \$25 nor more than \$50.

350-223. Civil Service in City Attorney's Office.

1. CIVIL SERVICE STATUS. Pursuant to s. 63.29, Wis. Stats., all persons employed as attorneys in the office of the city attorney, except the city attorney and deputies of the city attorney, shall be hired subject to all city civil service provisions.

2. DEPUTY CITY ATTORNEYS. There are created 4 positions of deputy city attorney who shall be appointed by the city attorney and such positions shall not be under civil service, and the city attorney shall be responsible for all the acts of the deputy city attorneys. The deputy city attorneys may be selected from among the assistant city attorneys in the office of the city attorney, and, if so selected from among that group, while serving as deputy city attorneys, they shall retain their civil service status and tenure as former assistant city attorneys as provided for in this section. The deputy city attorneys shall be required to take the oath of office as provided in the charter and may perform all duties and have all responsibilities required of the city attorney by law.

350-229. Rotative Employment System.

1. ESTABLISHED. The city service commission is authorized and directed, subject to approval by the common council, to establish a system of rotative service, rotative lay-offs, staggered employment, furloughs without pay, shortened work days, and part time work for all positions in the classified service of all departments, bureaus, boards and commissions where there has been staff reduction due to budget reductions or operating economies and where there are several persons holding positions of the same title or positions in which the duties may be performed efficiently by persons having different titles in the judgement of the head of the department, bureau, board or commission, and of the city service commission.

2. AUTHORITY. The city service commission shall establish such systems upon the request of the common council, or upon the request of the head of the department, bureau, division, board or commission, and after a public hearing, notice of which shall be given to all employees who might be affected by the decision. A full statement of any action of the commission in exercising this authority, together with a list of the positions and employees affected, shall be included in its minutes. The commission is also authorized to revoke or modify its action in the same manner as it was originally exercised.

3. SERVICE RATING, ETC. Nothing in this section shall be construed to prevent the establishment of a system of service ratings, or to limit the right of discharge, suspension, discipline or appeal.

4. COMPENSATION, ETC. Incumbents of positions placed upon a rotative, part time, shortened work day or staggered schedule of work, the compensation of which is fixed by ordinance or resolution upon a daily, monthly or annual basis, shall be paid a proportionate share of such salary or wage.

350-231. Application of Specifications for Personnel Service. The specifications for personnel service shall apply to all authorized offices and employment in the departments, bureaus, institutions, boards and commissions of the city government under control of the common council, and shall supersede all grouping of employment inconsistent therewith and shall be applied subject to the conditions and regulations included in ss. 350-112, 350-114, 350-231 to 350-235, 350-241 and 250-243.

350-233. Extent of Application for Specifications for Personnel Service. The specifications for personnel service shall apply in their entirety to all offices and employments in the city service to be filled after this chapter takes effect and shall not affect present civil service employees except as herein provided. The specifications for personnel service shall not in themselves be construed to define, or prescribe the organization or procedure under which employees shall work, or to limit or restrict the responsible administrative officials in exercising supervision or assigning such other duties as may be necessary in case of emergency.

350-235. Request for New Positions. 1. TO BE SENT TO CITY SERVICE. All departmental requests for new positions or of proposed changes

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in the standard specifications affecting existing positions shall be sent by the department head to the city service commission before submission to the common council. In such requests the department head shall set forth clearly the duties, qualifications and other matters affecting the classification, title, grade and compensation and the necessity for the creation of the new position or of such changes affecting the existing position.

2. TO BE INVESTIGATED. Upon receipt of such statement the city service commission shall promptly investigate and determine whether the position is in fact new or whether the changes so far as they affect the classification, title, duties and qualifications and compensations of the existing position are in accordance with the standard specifications for personnel service and the civil service law, rules and regulations. No office or employment shall be considered new unless the duties thereof are found by the city service commission to be substantially different from those of every other existing position in the city service.

3. COMMISSION TO SUBMIT REPORT. The city service commission shall submit a report to the common council of its approval or disapproval and indicate the purposes of the changes as they affect the classification, title, duties and qualifications of the position, and so far as they affect changes in the civil service compensation grade, which has been established only as a guide for the new position or the existing position. When the commission shall find any office or employment to be in fact new or shall find the requested changes affecting any existing position to be in accordance with the standards in the specifications for personnel service and the civil service rules and regulations, the commission shall classify such position under the appropriate service, grade and title provided in the specifications for personnel service. The standard titles shall be used to designate the position in all reports to and records of the city service commission and in all payrolls or accounts of salaries and wages submitted to the commission for check and certification as to legality of employment and to the city comptroller and treasurer for payment.

350-237. Exclusion from Benefits.

1. DEFINITIONS. In this section:
a. "Half-time employee" means an employee whose hours of work are established at 20 hours per week or less.

b. "Less than half-time employee" means an employee whose hours of work are established at less than 20 hours per week.

c. "More than half-time employee" means an employee whose hours of work are established at more than 20 hours, but less than 40 hours per week.

d. "Provisional, emergency and temporary appointments" are as defined in the city civil service rules.

2. BENEFITS EXCLUDED.

a. A permanent employee who is eligible for benefits and receives a provisional, emergency or temporary appointment shall not lose rights to any employment benefits.

b. Except as specifically provided, any individual who is hired on a provisional, emergency or temporary appointment, student aide, volunteer auxiliary police officer or less than a half-time employee shall not be eligible for the following employment benefits:

b-1. Vacation with pay.

b-2. Additional off-days with pay.

b-3. Sick leave with pay.

b-4. Funeral leave with pay.

b-5. Injury pay.

b-6. Holiday pay.

b-7. Holiday differential pay.

b-8. Shift differential pay.

b-9. Jury duty with pay.

b-10. Military training and civil disturbance leave of absence with pay.

b-11. Medical and dental benefits.

b-12. Group life insurance.

b-13. Voluntary benefits.

b-14. All other benefits not specifically listed in this section.

c. Employees with job titles contained in the city salary ordinance, part 1, section 9: hourly, part-time, intermittent, shall not be eligible for any benefits.

3. BENEFITS PROVIDED.

a. Those employees listed under sub. 2-b shall be eligible for certain employment benefits as provided for in other code provisions or state statutes.

d. More than half-time and half-time employees shall be eligible for the following employment benefits on a pro rata basis and only during the period of actual employment:

d-1. Vacation with pay.

d-2. Holiday pay.

d-3. Sick leave with pay.

d-4. Funeral leave.

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- d-5. Sick leave incentive program.
- d-6. Jury duty with pay.
- d-7. Tuition and textbook reimbursement.
- d-8. Miscellaneous unapplied time under s. 350-37-1-b.

4. APPLICATION AND ADMINISTRATION.

a. An employee on the payroll prior to January, 1966, shall not lose any of the benefits provided to that employee, except that an employee, regardless of his or her date of placement on the city's payroll, who attained status in the city's central clerical pool on or after December 30, 1973, shall not be entitled to any of the employment benefits listed in sub. 2, as long as he or she retained status in the clerical pool. In addition, if any employee with status conferred via the clerical pool receiving the benefits specified in sub. 2 because he or she meets the criteria set forth in sub. 2 ceases to qualify for benefits according to sub. 3, that employee shall under no condition be eligible to receive benefits.

b. The department of employee relations shall administer the provisions of this section.

c. No provision of this section shall be construed to prevent elected and appointed city officers from accruing all benefits, including sick leave, but excluding salary increments, listed in subs. 1 and 2 from which they are not otherwise excluded by state statute, and these officials shall accrue benefits in a like manner as all other city employees who are eligible for those benefits, and the terms of office of these officials shall be deemed as periods of employment with the city for accrual of benefits.

d. The director of employee relations is authorized to accept a statement from elected or appointed city officers concerning sick leave usage and balance as needed to determine sick leave accruals.

e. Elected and appointed city officers, and former elected and appointed city officers who are employees of the city, are covered by this section.

f. Employees hired on or after July 1, 1982, to fill the positions of temporary customer service representative and accounting aide in the office of the city treasurer, shall not receive any employment benefits listed in sub. 3 regardless of their previous employment status in the city service. Employees in the city treasurer's office who had previously worked in these positions prior to July 1, 1982, shall retain their benefits status.

350-239. Promotion from Grade to Grade. Promotion from one grade to the next higher grade of positions in the classified civil service shall involve a change of duties and shall be made only when a vacancy has been created by resignation, transfer, death or dismissal, or when a new position shall have been created.

350-242. Nature of Employee Regulations and Benefits. Except to the extent that the city provides otherwise in a collective bargaining agreement lawfully entered into pursuant to the Wisconsin municipal employment relations act, none of the provisions in ch. 350 of the code are intended to give rise to or create, and none of the provisions in ch. 350 should be construed by any individual employee or any group of employees as giving rise to or creating, any contractual rights or any vested rights or interests of any kind whatsoever, and all such provisions are subject to modification or revocation by the common council at any time.

350-243. Relocation Expense Reimbursement. City departments may pay relocation expenses on a reimbursement basis from their budgets for non-local candidates selected for department head, deputy department head or other city positions for which recruitment outside the local area is required in order to attract a representative pool of well-qualified candidates provided:

1. This decision is based on the quality of that candidate versus the local candidates being considered and whether the individual's acceptance of the position is contingent upon payment of relocation expenses.

2. Such expenses are a cost of filling a position vacancy and may be financed from vacancy savings or other savings in departmental budgets.

3. The allowable reimbursement for relocation expenses shall not exceed 10% of the midpoint of the salary range of the person being hired.

4. The payment is appropriate and necessary and made in accordance with appropriate procedural guidelines developed by the department of employee relations and approved by common council resolution.

5. The department of employee relations, with the concurrence of the chair or vice chair of the finance and personnel committee, authorizes payment of relocation expenses.

6. That requests for payment of relocation expenses are made no later than 90 days after the actual move of the person being hired.

7. That requests for payment of relocation expenses are sent to the director of employee relations who shall forward them to the chair or vice-chair of the finance and personnel committee.

350-244. Relocation Expense Reimbursement for Nursery Manager. The department of public works may make a relocation expense reimbursement to any employee of the department who is promoted to or hired for the position of nursery manager and is required to live at the city nursery as a condition of his or employment. The payment of the relocation expense reimbursement shall be in accordance to the conditions specified under s. 350-243-2 to 7.

350-245. Domestic Partnership Registration.

1. **REGISTRATION AUTHORIZED.** Any 2 individuals, one or each of whom is a city employee, who meet the requirements of this section may register as a domestic partnership as provided in this section.

2. **APPLICATION.** Individuals who seek to register as a domestic partnership shall appear in person in the department of employee relations and complete and sign an application form provided by the department, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

3. **DECLARATION OF DOMESTIC PARTNERSHIP.** Applicants for registration shall sign a declaration of domestic partnership stating that they:

- a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.
- b. Are 18 years of age or older and competent to enter into a contract.
- c. Are not married.
- d. Are not related by kinship to a degree that would bar marriage in this state.
- e. Reside together in the city.
- f. Have not been in a registered domestic partnership with another individual during the 12 months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.

4. **ADDITIONAL AGREEMENTS.** In addition, applicants shall agree that they:

- a. Understand that their registration as domestic partners is a matter of public record.

b. Agree to notify the department of any change in the status of the domestic partnership and to file a termination notice when appropriate.

5. **CONDITIONS OF DOMESTIC PARTNERSHIP.** The applicants shall declare that they possess at least 3 of the following conditions of domestic partnership:

- a. They have common or joint ownership of a residence.
- b. They have a current lease for a residence identifying both applicants as tenants.
- c. They jointly own a motor vehicle.
- d. They have a joint bank or credit union account.
- e. They have a joint credit account.
- f. They have identified each other as primary beneficiaries in their wills.

6. **AFFIRMATION.** Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.

7. **VERIFICATION.** The department shall verify the age, identity and city residence of applicants for domestic partnership. The department may require such reasonable documentation as may be necessary to verify the claims made by those seeking to register a domestic partnership. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the department of the death or marriage.

8. **TERMINATION.** A domestic partnership is terminated by any of the following:

- a. The death of one of the partners.
- b. The marriage of one of the partners.
- c. The filing of a termination statement.

Either domestic partner may terminate a domestic partnership by submitting to the department a termination statement on a form provided by the department. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

9. **RE-REGISTRATION.** An individual whose domestic partnership has been terminated under sub. 8 may not file another declaration of domestic partnership under this section until at least 12 months after the date on which the department received the termination statement.

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10. PRIOR REGISTRATIONS. Any individuals registered under s. 111-3-10, in effect prior to October 30, 2009, shall be considered registered under this section and subject to its requirements.

11. INTENT. This section is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., or ch. 770, Wis. Stats., relating to domestic partnership, apply to domestic partnerships registered under this section.

350-247. Fraud, Waste and Abuse Hotline.

1. PURPOSE AND INTENT.

a. The purpose of this section is to establish a mechanism for city employees and members of the general public, in good faith, to report alleged fraud, waste or abuse in city operations by city employees or officers of the city, thereby minimizing financial loss and potential adverse effects on the city. The fraud, waste and abuse hotline seeks to ensure integrity, accountability and public trust through timely investigation and resolution activities, followed by the initiation of appropriate steps to design and implement preventative measures in response to allegations received.

b. It is the intent of the city to protect city employees who lodge good-faith complaints through the fraud, waste and abuse hotline from retaliation, or by keeping the reported information confidential on a need-to-know basis to the extent allowed by the law.

2. DEFINITIONS. In this section:

a. "Abuse" means the improper use of city resources in a manner contrary to law, city policy or work rules, or the improper use of one's position for private gain or advantage for himself or herself or any other person.

b. "Fraud" means any intentional act or omission for personal gain designed to deprive the city of its resources or assets to which the individual or person is not entitled.

c. "Waste" means the careless expenditure of city funds or resources above and beyond the level that is reasonably required to meet the needs of the city, or the consumption or use of city resources that is not authorized.

3. CREATION. There is created a city fraud, waste and abuse hotline administered by the internal audit division of the city comptroller's office.

4. SCOPE. a. The hotline shall receive complaints involving the fraud, waste or abuse of city resources, including the following:

a-1. Illegal acts, such as theft, fraud, kickbacks, bribes, price-fixing or conflicts of interest, by city employees, or contractors or their employees.

a-2. Misuse or abuse of city property or resources, including city buildings, vehicles or equipment, or city time by employees.

a-3. Improper use of one's authority.

a-4. Gross misconduct, such as reckless disregard for the safety of others, or attempts to financially defraud the city, falsification of documents or other forms of misrepresentation.

a-5. Inefficiency of city employees.

b. The hotline shall not receive complaints concerning improper activities by or against individuals who are not employed by, volunteering for or contracting with the city.

5. INTERNAL AUDIT; INVESTIGATION

a. The internal auditor within the comptroller's office shall be responsible for the hotline.

b. The internal audit division shall receive, track and investigate or refer for investigation complaints received by the hotline. The investigation may include all steps that the internal auditor deems appropriate, including the review of a complaint, any documentary or other evidence provided with it, the gathering of any other relevant documents from any city department or other source, and interviews of the complainant and other persons with relevant information.

c. The internal auditor may refer the complaint, excluding a complaint of employee misconduct, to a city department for investigation or conduct the investigation when appropriate. The audit division may recommend that a department take a specific action based on the internal auditor's initial investigation. Within 60 days of receiving a complaint for investigation or recommendation by the internal auditor for a specific action, or such other time the internal auditor may specify, the department shall report to the internal auditor in writing the results of the department's investigation and any action that the department has taken, including actions taken in response to a recommendation by the internal auditor.

d. The internal auditor shall refer reports of individual employee misconduct to the appointing authority.

6. ADMINISTRATION. a. All city employees and officers shall report any instances of suspected fraud, waste or abuse or other illegal acts upon becoming aware of such suspected activities or issues within city government.

b. The city shall maintain a telephone hotline number, website and electronic mail (e-mail) address, providing any employee, vendor or member of the public the ability to anonymously and confidentially report any suspected fraud, waste, abuse or illegal behavior.

c. The working audit papers of the internal audit staff concerning fraud, waste or abuse shall be confidential.

d. The internal auditor shall keep all information confidential while an active investigation is being conducted. When an investigation results in a criminal indictment or arrest, it shall be considered active until disposed of by the judicial system. This shall not be construed to limit those conducting an actual investigation from revealing or discussing information as necessary to facilitate the investigation.

e. Nothing in this section shall be construed to limit, discourage or prevent employees from reporting inappropriate or illegal activities directly to their supervisors, managers, department heads, personnel officers, the department of employee relations, the internal audit division or local law enforcement.

7. EMPLOYEE PROTECTION.

a. Employees shall be protected from being disciplined, discharged or subjected to threats, or otherwise discriminated against in retaliation for bringing forth, in good faith, charges of fraud, waste or abuse, or other unlawful conduct in violation of any city policy, directive or code provision by any employee, official, appointee, contractor or vendor of the city when the report of fraud, waste or abuse is the sole cause of the retaliatory action.

b. Good faith shall be established if an employee has a reasonable belief that an employee, official, appointee, contractor or vendor of the city is engaged in fraud, waste, abuse or other unlawful conduct in violation of a city policy, directive or code provision.

c. An employee who knowingly, or with reckless indifference to the truth, makes a false report may be subject to disciplinary or legal action.

d. An employee who believes he or she has suffered retaliation for filing a complaint with the hotline shall file a detailed report within 30 days from the date of the alleged retaliatory action. The report shall be filed with the internal auditor and the director of employee relations. The written report shall include all the relevant facts concerning the alleged retaliatory action, including:

d-1. The name and work address of the complainant.

d-2. The name and title of each city employee against whom the complaint of retaliation is made.

d-3. The specific type and date of retaliation.

d-4. A statement as to the facts that form the basis of the complaint of retaliation.

d-5. A statement of the complainant's explanation of how his or her reported allegation of fraud, waste, abuse or other unlawful conduct or participation in an investigation, proceeding or hearing is related to the investigation.

e. Complaints of retaliation by city employees shall be investigated by the department of employee relations. If an investigation discloses a violation has occurred, the department of employee relations shall work with department heads and managers to implement corrective action and resolve the situation as provided in s. 350-203-3-e.

f. Nothing in this section implies an intention by the city to alter or change any employee's employment status or to create a private legal claim or cause of action concerning any complaint of retaliation.

8. REPORT. The internal auditor shall submit an annual report to the common council which shall include:

a. The number of complaints received.

b. The types of complaints received.

c. The number of referrals to the department of employee relations or other city departments.

d. The number of investigations conducted by the internal audit division.

e. Findings or recommendations on policies and practices resulting from investigations.

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For legislative history of chapter 350, contact the
Municipal Research Library.

Pages 965 to 1090 are blank.