

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 3**

**SUMMARY**

This supplement incorporates changes to Volume 3 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

181083      A substitute ordinance relating to a technical correction to the holiday accrual rate for certain employees within the department of public works.

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<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #302)</b>				v-vi	v-vi
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**Abbreviations:**

**am=amended  
cr=created**

**ra=renumbered and amended  
rc=recreated**

**rn=renumbered  
rp=repealed**



**MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through November 27, 2018.

Revised 11/27/2018  
Suppl. #303



**CHAPTER 320  
BOARDS, COMMISSIONS AND COMMITTEES**

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320-5	Ethics Board Notification	320-53	Complete Streets Committee
320-6	Reimbursement		
	SUBCHAPTER 2 BOARDS		SUBCHAPTER 1 GENERAL PROVISIONS
320-11	Administrative Review Appeals Board		<b>320-1. Annual Report. 1. REQUIRED.</b> All plural bodies shall submit annually to their appointing authority a statement or report of activities and progress. This report shall be in writing and due no later than February 15th of the following year. It shall be appended with supporting data and statistics as deemed necessary.
320-12	Arts Board		<b>2. BY ALL BOARDS, COMMISSIONS, PLURAL BODIES.</b> Plural bodies shall be understood to include all multi-membered bodies appointed by the mayor or the common council, or both, serving to augment the regularly established legislative, executive and judicial branches of the municipal government in the government of city affairs, and usually going under the title of either board, commission, committee or authority.
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320-21	Historic Preservation Commission		
320-22	Milwaukee Commission on Domestic Violence and Sexual Assault		<b>320-2. Notification of Changes.</b> Whenever a change occurs such as the resignation of a member or election of a new chair, staff responsible for the board or committee shall submit written notification of the change to the office of the city clerk within 5 working days.
320-23	Community Relations- Social Development Commission		
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320-27	Safety and Civic Commission		
320-28	Transit Stop Technical Advisory Committee		<b>320-3. Residence of Appointees.</b> Whenever any person shall be appointed to any city board, commission, or committee that has been established by state law, city ordinance or resolution, he shall serve until his successor is appointed and qualified, and he shall be a resident of the city, provided that city residence shall not be required if the applicable state law, city ordinance or resolution specifically states that city residence is not required.
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## **320-4 Boards, Commissions and Committees**

**320-4. Alternates and Designees.** When an authorized board, commission or committee member names an alternate or designee, he or she shall notify the city clerk in writing of the person so named, and may change the named alternate or designee by notifying the city clerk in the same manner. Alternates may represent their respective members and exercise all powers of members when such members are unable to attend meetings. Designees shall represent their respective members and exercise all powers of members at all meetings in the member's stead.

**320-4.5. Expiration of Term.** Unless a specific date is provided by law for the expiration of a term of office, any person appointed to fill a vacancy on a board, commission or committee shall be appointed to a full term of office.

**320-5. Ethics Board Notification.** Upon introduction of a common council file to create a board or commission, the ethics board shall be notified so that it may consider recommending that members of such board or commission be required to file a statement of economic interests.

**320-6. Reimbursement.** Any common council file introduced to create a permanent board, commission or committee shall include a directive as to whether public members of the body are to receive any salary or reimbursement for attendance at meetings of the body and the salary ordinance shall be amended accordingly.

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

### 350-3 Employee Regulations And Benefits

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 mandatory 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, earned at the rate of 0.667 hours for each calendar month of active service during that calendar year. This holiday time-off shall be taken in the following calendar year.

b. Computation. For calculating holiday pay under par. a, an employee on the department of public works payroll for at least 14 days in a calendar month shall be deemed as having been on the payroll for the full calendar month. If an employee is on the department of public works payroll for less than 14 days in a calendar month, exclusive of mandatory furlough time, the employee shall be deemed as not having been on the payroll during the calendar month.

**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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