

**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:

- 191464 A substitute ordinance relating to the acceptance of donations of public art.
- 191473 A substitute ordinance relating to employee wages, benefits, and regulations.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #314)				v-vi	v-vi
304-24-2 Ch. 304 History Ch. 320 Table	rc	191464	4/11/2020	45-48 70a-70f 341-342	45-48 70a-70b 341-342
320-13 Ch. 320 History	cr	191464	4/11/2020	343-346 373-380	343-346b 373-374
350-37-0	am	191473	4/11/2020	919-922	919-922
350-37-1-a	am	191473	4/11/2020	"	"
350-37-13	am	191473	4/11/2020	"	"
350-237-3-b-7	am	191473	4/11/2020	959-960	959-960
350-237-3-b-8	cr	191473	4/11/2020	"	"
350-237-3-c-1	rp	191473	4/11/2020	"	"

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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 rp=repealed**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 March 24, 2020.

Revised 3/24/2020
Suppl. #315

state legislature or the congress, are deemed authorized for travel for which actual and necessary expenses may be incurred and reimbursement made as stated in this section

2. AUTHORIZATION. The legislative counsel for the city of Milwaukee is authorized to carry on and engage in the name of the city of Milwaukee in activities of such type and in such place as he deems appropriate in carrying out the duties assigned to him by the common council, the mayor and by prior and future resolutions; and he is further authorized to engage in the name of the city accommodations that are deemed necessary to carry out his duties.

3. APPROVAL. Persons authorized by the common council, the judiciary-legislation committee, and members of the city attorney's staff authorized by the city attorney are authorized to carry on such legislative activities as may be required of them and in their line of duty.

4. REIMBURSEMENT. In carrying out their respective duties the persons referred to in this section and as otherwise authorized by the common council shall be permitted and authorized to incur expenses for transportation of their choice, hotel, taxi, telephone, telegrams, meals, tips, and all other necessary miscellaneous items, and they shall be reimbursed for all such expenses upon direction of the judiciary-legislation committee.

5. AUDIT. The audit of such items of expense relating to legislative activities, as referred to, shall be the responsibility of either the city clerk, or the chairman of the judiciary-legislation committee of the common council, as determined by that committee.

6. SEPARATE ACCOUNT. The chairman of the committee on judiciary-legislation is authorized to maintain a separate bank account in a public depository in the city of Milwaukee for the purpose of reimbursing the travel and other expenses of persons authorized under this section to attend legislative sessions, appear before legislative committees, and to transact other legislative matters, following receipt from such person of an itemized statement of expenses submitted in accordance with this section. The chairman of the committee on judiciary-legislation is also authorized to issue a check to such person in the amount of such travel or other expenses drawn upon such bank account.

304-13. Expense Vouchers for Common Council President and Mayor. The allowances provided in the municipal budget to the common council president and the mayor because of expenses which devolve in the performance of the duties of their offices shall be paid by means of

vouchers throughout the budget year, and the vouchers shall be processed by the comptroller in the manner set forth in s. 304-9-2. The comptroller may prescribe guidelines for preparation of vouchers requesting payment of expenses from the allowances.

304-15. Pay Roll Approval. **1. AUDITED.** It shall be the duty of the heads or head of every department of the city of Milwaukee, by whatever name known, to file with the city comptroller pay rolls as a basis for the disbursement of all funds appropriated for salaries and wages for all the officers and employees of the city in his or their department, which pay roll shall be drawn up and certified to in the form and manner prescribed by the city comptroller. All such pay rolls shall be audited and countersigned by the city comptroller who shall charge the appropriate funds in accordance with departmental or tabulated schedules, and who shall thereafter file the pay roll reports.

2. SPECIAL APPROVAL. It is further provided, however, that in case of all help employed by any of the said departments, where no salary is fixed by law, ordinance or resolution, that such payroll, before being paid, shall be approved by the proper committee of the common council, who shall endorse their approval thereon.

304-17. Salary Checks, Unclaimed. In case any person mentioned in any of the said payrolls shall not appear within 30 days for payment of the amount due him, as appears by said pay roll, the treasurer shall pay such amount into the treasury to the credit of the fund to which it is charged, and in case any such person should afterwards appear at any time within 6 years from the date of said payroll, such amount may be paid him by a city order, issued as required by law.

304-18. Unclaimed Principal and Interest on Bearer Debt. If funds deposited to the city's debt service account for the payment of city bearer debt obligations remain unclaimed for a period of 6 years following the debt maturity date, such funds shall be transferred by the comptroller to the city's general fund.

304-19. Witness Fees Paid to City Employees. Any and all witness fees due or paid to any official or employee of the city of Milwaukee for attendance or testifying in any action or proceeding where the information or knowledge testified to or sought to be elicited has been acquired by said official or employee in the performance of his or

304-21 Finance

her official duty or employment, and when such official or employee receives wages or salary from the city of Milwaukee for the time spent in such attendance shall be immediately paid over by such official or employee to the city treasurer. All such witness fees received by the city treasurer shall be credited to the general city fund. The provisions of this section shall not apply to any member or employee of the police department.

304-21. Approval of Contracts by City Attorney. No agreement, contract or instrument whatsoever shall be approved by the common council, nor shall be executed by officers of the city or by any other person authorized by the common council to execute agreements, contracts or instruments for the city, the subject matter of which involves any transfer of property whatsoever or any purchase of property whatsoever, in which the consideration exceeds \$25,000 or in which the consideration can reasonably be interpreted to exceed a value of \$25,000, unless the city attorney's office has first approved the provisions of said agreement, contract or instrument and said fact appears in writing on the face of such document. This section is not intended to eliminate the necessity of obtaining approval, however, from the city attorney in all other instances where such approval is required under any other statute, ordinance, including charter ordinances, or resolution of the common council. Failure to comply with this provision shall render such agreement, contract or other instrument void and persons transacting business with the city are given notice of such fact.

304-23. Outside Attorney or Law Firm. No attorney or law firm outside of the city attorney's permanent staff shall be retained by or on behalf of the city without first obtaining authorization therefor from the common council. Every such engagement shall be pursuant to a written agreement, the terms of which shall include a covenant prohibiting such outside attorney from undertaking representation of any person in connection with any claim, proceeding, lawsuit or other matter against the city during the period in which such outside attorney or law firm is engaged by or on behalf of the city.

304-24. Contributions Received by the City.

1. DEFINITIONS. In this section: a. "Contribution" means a gift of cash or other assets from any person to the city or any city department or employee to be expended for a specified municipal purpose, activity or facility. A grant from

a governmental, commercial or nonprofit entity shall not constitute a contribution.

b. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

2. GENERAL POLICY STATEMENT.

a. Any contribution received, except a public arts project, as defined in s. 320-12-4-a, shall be combined with other city deposits, and interest earnings on these funds shall be included as general city revenue unless otherwise specified by the common council in its acceptance of a contribution or unless otherwise required by s. 67.101, Wis. Stats.

b. If a contribution is a public arts project, acceptance shall be in accordance with the procedure set forth in s. 320-13.

3. SPECIAL PURPOSE ACCOUNT.

The annual city budget shall include a special purpose account known as the "contribution fund." An annual budget for this account shall be developed in accordance with ch. 65, Wis. Stats. No transfers shall be made from the contribution fund without prior approval of the common council.

4. DEPOSIT OF CONTRIBUTIONS. All

contributions to the city, city departments or city employees shall be either accepted or rejected by the common council. Accepted contributions shall be deposited in accordance with the following:

a. Contributions shall be deposited with the city treasurer in either a trust account established by the city comptroller or a revenue account established by the city comptroller. The trust account shall be part of the city's permanent improvement fund, as established by s. 304-28.

b. Contributions of cash or similar assets shall be forwarded within one working day of receipt to the city treasurer for deposit or safekeeping.

c. The decision to place a contribution in a trust account or a revenue account shall be made as follows:

c-1. The contribution shall be placed in a revenue account if it is intended for immediate expenditure by the donor, if the relevant department is willing to make a good faith effort to ensure expenditure in the current calendar year or in accordance with the carryover provisions of this section and if the donor is willing to make the contribution to the city with the knowledge that all unexpended funds will revert to the city's tax stabilization fund.

c-2. All other contributions shall be placed in a trust account.

5. APPROPRIATION AND EXPENDITURE OF CONTRIBUTION FUNDS. a. The expenditure of a contribution which has been deposited in a revenue account or a trust account shall occur only after the common council provides the necessary budgetary and expenditure authority.

b. Upon adoption of a common council resolution authorizing appropriation of contribution funds to a department for expenditure, the city comptroller shall establish a special account in the department's budget to account for the expenditure of the funds. In addition, the city comptroller shall transfer appropriations consistent with the authorizing resolution.

c. The balance in each special contribution account shall be fully encumbered by the administering city department as soon as administratively feasible. The encumbrance shall be periodically reviewed as required by the city comptroller.

d. Expenditure of contribution funds must be for the purpose or purposes specified by the donor. Expenditure for a different purpose shall require approval of the donor and acceptance by the common council, relevant common council committee or the department of administration-budget and management division, as appropriate.

e. The administering department shall be responsible for reporting to the common council on the expenditure of contributions.

f. Expenditures are to be in accordance with prescribed city policies and procedures.

6. CARRYOVER. The city comptroller may carry over unexpended funds in each special contribution account until all funds are expended. The carryover of unexpended funds shall continue until all funds are expended or the administering city department or agency responsible for the contribution account requests that any remaining unexpended funds not be carried over. The administering city department or agency shall notify the city comptroller if a carryover of funds is not required. Unexpended funds not carried over shall revert to the tax stabilization fund.

7. DOCUMENTATION. a. When contributions are deposited in a trust account, the affected department shall prepare a plan for expenditure of the funds within one year of their receipt. This plan shall be submitted to the department of administration-budget and management division, with a copy provided to the city comptroller.

b. Documentation relating to restrictions specified by the donor or donors of a contribution, such as a will, letter of intent or

similar document, shall be included in the common council resolution accepting the contribution or made part of the file as it becomes available.

304-25. Municipal Vehicle Registration Fee.

1. DEFINITION. In this section, "motor vehicle" means an automobile or station wagon or motor truck registered under s. 341.25(1)(c), Wis. Stats., at a gross weight of not more than 8,000 pounds.

2. VEHICLE REGISTRATION FEE. A municipal vehicle registration fee is imposed on every motor vehicle registered in Wisconsin and customarily kept in the city of Milwaukee. The amount of the fee is \$20 annually. The municipal vehicle registration fee is in addition to state registration fees.

3. EXEMPTIONS. The following vehicles are exempt from the municipal vehicle registration fee:

a. All vehicles exempted under ch. 341, Wis. Stats., from payment of a state vehicle registration fee.

b. All vehicles registered by the state under s. 341.26, Wis. Stats., for a fee of \$5.

4. REPLACEMENT VEHICLES. No vehicle registration fee shall be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current Milwaukee municipal vehicle registration fee has been paid.

5. REVENUES; TRANSPORTATION VEHICLE FEE FUND. Revenues collected under this section shall be deposited in a transportation vehicle fee fund. Revenues in the fund shall be used only to defray city costs for transportation related purposes including but not limited to costs related to the design, construction, operation and maintenance of streets, alleys, bridges, public way lighting, traffic signs and signals, traffic calming installations, and which may also include special assessments imposed under s. 115-43. At least 10 percent of the annual revenues deposited in the transportation vehicle fund shall be allocated to street maintenance activities.

304-25.5. Police Bicycle and Equipment Fund.

1. PURPOSE. The purpose of this section is to provide the police department with sufficient resources to sustain a successful program of bicycle policing by applying funds generated from the disposition of impounded bicycles to the purchase of bicycles, bicycle equipment and the provision of bicycle repair and maintenance.

2. DEFINITION. "Bicycle" has the meaning provided in s. 102-3-1.

304-26 Finance

3. POLICE BICYCLE AND EQUIPMENT FUND. A police bicycle and equipment fund shall be created in the general fund at the earliest appropriate time and at the discretion of the city comptroller. Amounts equal to revenues received from the sale or disposition of impounded bicycles as provided in s. 102-11 shall be entered into the fund.

4. EXPENDITURES. The chief of police, at his or her discretion, is authorized to expend amounts from the police bicycle and equipment fund for the purchase of bicycles and bicycle equipment to be used for police patrols, and for the maintenance and repair of patrol bicycles.

304-26. Job Training and Business Development Fund. 1. PURPOSE. The purpose of this section is to promote job training, alleviate unemployment and promote business development and business opportunities for disadvantaged youth in the city.

2. SPECIAL PURPOSE FUND. A special purpose fund for job training and business development shall be created in the general fund at the earliest appropriate time at the discretion of the city comptroller. Amounts equal to all revenues derived from payments of forfeitures for violations of ordinances identified in sub. 3 occurring on and after September 1, 2006, shall be entered into the special purpose fund. The common council may, by resolution, designate additional or other funds for entry into this special fund. Expenditures from this special purpose fund shall be made in accordance with sub. 4.

3. ENTRY OF REVENUES FROM FORFEITURES. Amounts equal to payments of forfeitures received for violations of the code with respect to the following identified penalties shall be entered into the special purpose fund for job training and business development:

- a. Section 101-20.5-5.
- b. Section 105-1-3-c.
- c. The penalties for violations occurring between the hours of 8:00 p.m. and 5:00 a.m. on any street designated as a cruising area or temporary cruising area under s. 101-20.5-1 and 4 provided pursuant to ss. 79-6-1-c, 80-91, 101-34-2, 101-34-7, 105-2, 105-34-3-c to 3-d, 105-138-3, 106-1, 106-1.8-2, 106-5-2 and 106-31-10.

4. EXPENDITURES. The special purpose fund for job training and business development shall be under the control of the common council. Expenditures from the special

fund shall be authorized by resolution from time to time as appropriate. Expenditures shall benefit disadvantaged youth in the city through the support of programs, activities or other efforts relating to the promotion of job training, the alleviation of unemployment and the development of business and business opportunities.

304-26.5. Clean Energy Financing.

1. PURPOSE. The city finds that renovations of privately-owned commercial properties made to improve energy efficiency, save water, use renewable energy, increase property values, stimulate local economic activity, provide environmental benefits and promote the general welfare of city residents. The purpose of this section is to facilitate loans arranged by commercial property owners to make energy-efficient renovations by treating principal and interest repayments, fees and other charges for these loans as special charges eligible for inclusion on the tax bill for these properties.

2. DEFINITIONS. a. "Annual installment" means the portion of the loan amount that is due for a particular year under the loan agreement.

b. "Default loan balance" means the outstanding balance of a PACE loan at the time the city receives foreclosure proceeds on a property subject to special charges under this section.

c. "Foreclosure proceeds" means the proceeds resulting from the disposition of a property the city received through an in rem tax foreclosure.

d. "Foreclosure reconstructive costs" means the sum of a stream of costs equal to the annual city portion of property taxes levied a property in in rem tax foreclosure, from the initiation of an in rem tax foreclosure action by the city until the city prevails in a foreclosure action.

e. "Incentive" means any reimbursable or non-reimbursable credit enhancement or other grants of funds by or through the city to a PACE lender in connection with a PACE loan.

f. "Loan agreement" means a written agreement among a borrower, a PACE lender and the city as provided in sub. 7.

g. "Loan amount" means the amount of principal, interest, administrative fees, incentives and other loan charges under the loan agreement to be paid by the borrower under the PACE loan.

h. "PACE" means property assessed clean energy.

i. "PACE default provisions" means the sum of:

e. Provide funding for additional public improvements only to the extent that the district's indebtedness can still be retired within the maximum statutory life for the district.

4. **JOINT REVIEW BOARD.** The project plan amendment prepared under sub. 2 shall not be effective unless approved by the joint review board established pursuant to s. 66.1105(4m), Wis. Stats.

304-96. Tax Incremental Districts – Extension to Fund Affordable Housing and Improvements to the City's Housing Stock.

1. **EXTENSION REQUIRED.** As permitted by s. 66.1105 (6)(g), Wis. Stats., after the date on which a tax incremental district created by the city pays off the aggregate of all of its project costs, including any project costs relating to an amendment to the district's project plan under s. 304-95-2, the life of the district shall be extended for one year if:

a. The common council adopts a resolution extending the life of the district for one year. The resolution shall specify how the city intends to use the additional tax incremental revenues to improve its housing stock. The commissioner of city development shall prepare this resolution.

b. The city clerk forwards a copy of the common council resolution to the Wisconsin department of revenue, notifying it that it is required to continue to authorize the allocation of tax increments to the district under s. 66.1105(6)(a), Wis. Stats.

2. **USE OF FUNDS FROM DISTRICT LIFE EXTENSION.** If the city receives tax increments from the extension of the life of a tax incremental district under this section, it shall use at least 75 percent of the increments received for the benefit of affordable housing in the city. The remaining portion of the increments shall be used by the city to improve its housing stock.

304-97. City Financial Assistance to For-Profit Institutions of Higher Education.

1. **DEFINITION.** In this section:

a. "Direct financial assistance" means the value of below-market land sales, any direct subsidies or city expenditures for private improvements targeted specifically to a project. It includes the value of tax increment financing and below-market-rate loans provided by the city.

b. "Found in violation" means paid a fine or changed policy or practice at the direction of the U.S. department of education to comply with a federal regulation, regardless of admission of culpability.

2. **LIMITATION ON ASSISTANCE.** No city direct financial assistance shall be provided to any for-profit institution of higher education, including any for-profit college, university or institute and any proprietary institution of higher education as defined in 34 CFR s. 600.5 on January 1, 2017, or to any developer of a project that will include selling or leasing real estate to, or constructing a facility for, a for-profit institution of higher education, unless the following criteria are met:

a. For a for-profit institution of higher education seeking city direct financial assistance, the institution shall certify to the department of city development that it, and any other institution owned and operated by the same company as the applicant institution, is in compliance with all applicable U.S. department of education regulations set forth in 34 CFR 600 on January 1, 2017. The institution shall further certify that it, and any other institution owned and operated by the same company, has not, during the previous 3 years, been found in violation of any provision of 34 CFR 668 as the regulation was written on January 1, 2017.

b. For a developer seeking city direct financial assistance for a project that will include selling or leasing real estate to a for-profit institution of higher education, the developer shall certify to the department of city development that the institution, and any other institution owned and operated by the same company as the institution buying or leasing the real estate, is in compliance with all applicable U.S. department of education regulations set forth in 34 CFR 600 on January 1, 2017, and has not, during the previous 3 years, been found in violation of any provision of 34 CFR 668 as the regulation was written on January 1, 2017.

3. **DURATION OF LIMITATION.** In the case of direct financial assistance in the form of tax incremental financing or a loan, the limitation of sub. 2 shall be in effect until the tax incremental district is closed or the loan is completely repaid.

4. **INCLUSION IN AGREEMENTS.** The limitation of sub. 2 shall be clearly stated in each loan agreement, development agreement or lease agreement pertaining to city direct financial assistance to a for-profit institution of higher education or to any developer of a project that involves selling or leasing real estate to, or constructing a facility for, a for-profit institution of higher education.

304--Finance

For legislative history of chapter 304, contact the
Municipal Research Library.

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**CHAPTER 320
BOARDS, COMMISSIONS AND COMMITTEES**

<p style="text-align: center;">TABLE</p> <p style="text-align: center;">SUBCHAPTER 1 GENERAL PROVISIONS</p> <p>320-1 Annual Report</p> <p>320-2 Notification of Changes</p> <p>320-3 Residence of Appointees</p> <p>320-4 Alternates and Designees</p> <p>320-4.5 Expiration of Term</p> <p>320-5 Ethics Board Notification</p> <p>320-6 Reimbursement</p> <p style="text-align: center;">SUBCHAPTER 2 BOARDS</p> <p>320-11 Administrative Review Appeals Board</p> <p>320-12 Arts Board</p> <p>320-13 Public Arts Project Committee</p> <p>320-15 Board of Public Land Commissioners</p> <p>320-16 Public Transportation, Utilities, and Waterways Review Board</p> <p>320-17 Deferred Compensation Plan Board</p> <p>320-20 Milwaukee Symphony Orchestra Board: City Membership</p> <p style="text-align: center;">SUBCHAPTER 3 COMMISSIONS</p> <p>320-21 Historic Preservation Commission</p> <p>320-22 Milwaukee Commission on Domestic Violence and Sexual Assault</p> <p>320-23 Community Relations-Social Development Commission</p> <p>320-25 Fourth of July Commission</p> <p>320-27 Safety and Civic Commission</p> <p>320-28 Transit Stop Technical Advisory Committee</p> <p>320-29 Black Male Achievement Advisory Council</p> <p>320-30 Residents Preference Program Review Commission</p> <p style="text-align: center;">SUBCHAPTER 4 COMMITTEES</p> <p>320-31 City Information Management Committee</p>	<p>320-33 Skywalk Design Committee</p> <p>320-37 Anti-graffiti Policy Committee</p> <p>320-41 Charter School Review Committee</p> <p>320-43 Frank P. Zeidler Public Service Award Selection Committee</p> <p>320-44 Vel R. Phillips Trailblazer Award</p> <p>320-45 Youth Council</p> <p>320-47 Sister Cities Committee</p> <p>320-49 Capital Improvements Committee</p> <p>320-51 School Building Proposal Review Committee</p> <p>320-53 Complete Streets Committee</p> <p style="text-align: center;">SUBCHAPTER 1 GENERAL PROVISIONS</p> <p>320-1. Annual Report. 1. REQUIRED. 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.</p> <p>2. BY ALL BOARDS, COMMISSIONS, PLURAL BODIES. 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.</p> <p>320-2. Notification of Changes. 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.</p> <p>320-3. Residence of Appointees. 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.</p>
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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 2
BOARDS

320-11. Administrative Review Appeals Board.

1. DUE PROCESS. The purpose of this section is to afford a constitutionally sufficient, fair and orderly administrative procedure and review in connection with determinations by municipal authorities which involve constitutionally protected rights of specific persons who are entitled to due process protection under the 14th amendment to the United States constitution. In order to insure that such rights are protected in the administration of the affairs, ordinances, regulations and by-laws of the city it is declared and required that the provisions of ch. 68, Wis. Stats., relating to municipal administrative review procedure shall be in full force and effect in this city, except as provided in subs. 5 and 6.

2. COMPLIANCE. All officers, employees, agents, agencies, committees, boards and commissions of this city shall comply with the requirements of ch. 68, Wis. Stats., and shall conduct initial administrative reviews of their own determinations in accordance with s. 68.09, Wis. Stats., upon filing of a proper written request therefor.

3. BOARD CREATED. a. There is created an administrative review appeals board consisting of 5 members which shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of officers, employees, agents, agencies, committees, boards and commissions of the city filed in accordance with s. 68.10, Wis. Stats., and making a final determination thereon. In conducting administrative review hearings and making final decisions the board shall be governed by ss. 68.11 and 68.12, Wis. Stats. The board shall consist of a duly licensed attorney member of the State Bar of Wisconsin having practiced law within the state for not less than 7 years, to be appointed by the city attorney, one member of the common council, to be appointed by the president of the common council, and 3 citizens, one to be appointed by the president of the common council and 2 to be

appointed by the mayor. The members of the board shall be subject to confirmation by the common council. The members of the board shall hold office for a 2-year term. The members of the board shall elect one member of the board to serve as chair. The city attorney shall appoint one alternate citizen member who shall act with full power only when another member of the board is absent, refuses or is unable to serve because of interest in the subject matter of the appeal. A member shall serve until his or her successor has qualified. Members shall receive no compensation for their services as board members unless expressly provided for by ordinance or resolution.

b. Members shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board position the appointing authority shall make an appointment within 60 days after the vacancy occurs.

4. RULES. The board may adopt rules for the conduct of its hearings and for its procedures not in conflict or inconsistent with s. 68.11, Wis. Stats.

5. CITY LAW. This section shall not be deemed to repeal or supersede any other ordinance or resolution in conflict herewith which specifically provide other procedures for review of administrative determinations within the city.

6. STATE LAW. a. Pursuant to s. 68.16, Wis. Stats., the governing body of the city elects that the city not be governed by that part of s. 68.11(2), Wis. Stats., which reads as follows: who did not participate in making or reviewing the initial determination.

b. For the purposes of s. 68.10(2), Wis. Stats., notice shall mean the date listed on the document provided to the appellant informing him or her of the action subject to appeal, provided that this document is mailed no later than 2 working days after the date of the document.

c. All appeals to the board shall be received by the city clerk no later than 30 days after the date that appears on the face of a written notice of the determination or decision appealed from, provided the written notice is

320-12 Boards, Commissions and Committees

mailed to the aggrieved person no later than 2 working days after the date that appears on its face. If the written notice is mailed more than 2 working days after the date that appears on its face, appeals to the board shall be received by the city clerk no later than 30 days after the date it is received by the aggrieved person. Under s. 68.16, Wis. Stats., the city elects not to be governed by any portion of ch. 68, Wis. Stats., that conflicts with this paragraph.

d. After the receipt of a timely appeal, the board shall schedule a hearing on the appeal as soon as is practicable. Under s. 68.16, Wis. Stats., the city elects not to be governed by any portion of ch. 68, Wis. Stats., that conflicts with this paragraph.

7. LOCATION. The office of the administrative review appeals board shall be in the office of the city clerk, room 205, City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. The city clerk shall be custodian of all files, records and proceedings of the board and shall provide stenographic service, stationery, postage and such other needs as the board requires. Petitions, notices and all other communications to the board relating to the administrative procedures provided for in this section shall be addressed to the board and mailed or delivered to the board's office. Hearings and meetings of the board shall be held in the city hall at a place designated by the city clerk. Notice of hearings or meetings shall be posted as required by law.

320-12. Arts Board. 1. CREATION. There is created an arts board consisting of 17 members appointed by the mayor for 3-year terms and confirmed by the common council. At least one member shall be selected from among the members of the common council, one member shall be selected from the membership of the Cultural, Artistic and Musical Programming Advisory Council and 2 shall represent the Milwaukee board of school directors. A majority of the members shall be city residents. No member may participate in any decision that would directly assist any organization to which the member belongs, except as a dues-paying member, or from which the member receives any benefit, except as a dues-paying member.

2. DUTIES AND POWERS. The board shall:

a. Promote the development, support and enjoyment of the arts in this city.

b. Promote cultural diversity in the artistic life of this city.

c. Promote the formation and growth of artistic projects or programs that are administered by and responsive to the needs of this city's racial and ethnic minorities.

d. Promote the design, construction and landscaping of public projects and private buildings, including public and private improvements, that enhance the beauty of this city.

e. Determine the amounts to be expended from the Milwaukee arts fund in accordance with the guidelines established under sub. 3 and any additional written guidelines adopted by the board.

f. Submit an annual budget request for the Milwaukee arts fund.

g. Review the designs of municipal buildings, bridges, approaches and other structures and projects in accordance with the guidelines established under sub. 4.

h. Administer the municipal art fund established by s. 304-27.

i. Submit quarterly reports to the common council and the mayor with respect to the board's activities under s. 304-27 and this section.

3. GUIDELINES. a. Projects or programs funded from the Milwaukee arts fund shall be organized and operated by the city, a nonprofit organization, or an individual artist, and shall be accessible to the public.

b. Funding for projects or programs organized and operated by nonprofit organizations shall be limited to a maximum of 5 years, unless the board, pursuant to its written guidelines, determines that additional funding is justified.

c. The board may accept contributions and donations that will augment the Milwaukee arts fund, or that will assist in the administration of the fund, to the extent permitted and in the manner prescribed by law.

d. Revenue and expenditure information shall be provided to the city comptroller for an annual audit.

4. DESIGNS TO BE SUBMITTED TO BOARD. a. Before any municipal building, bridge, approach or other structure, project or public arts project is constructed, installed or altered by the city, its design shall be submitted to the board for examination and report before final working drawings have been started or any contract has been let. For the purposes of this sub., a public arts project is defined to include all forms of limited edition or one-of-a-kind original creations of visual art created by an artist and located in a space readily accessible by the general public.

b. If, within 60 days after a design other than a design for a public arts project has been submitted to the board under par. a, the board prepares a written report that objects to the design and transmits the report to the affected city department, the mayor and common council, the affected department may not proceed with the project until 30 days after the transmission of the report.

c. Within 60 days after review of a design for a public arts project that has been submitted to the board under par. a, the board shall prepare a written report evaluating the design and transmit the report to the affected city department, the mayor and common council. The affected department may not proceed with the project until receiving approval from the common council.

5. STAFF. The department of city development shall staff the arts board. Staff provided by the department shall have a basic knowledge of the arts and a demonstrated ability to function effectively in the arts community.

320-13. Public Arts Project Committee. 1. CREATION. There is created a public arts project committee consisting of the following 7 members:

a. The chair of the arts board or designee, who shall serve as chair of the committee.

b. An arts curator appointed by the chair of the arts board or designee with curatorial expertise.

c. The mayor or designee.

d. The common council president or designee.

e. The commissioner of public works or designee.

f. The commissioner of the department of city development or designee.

g. The city attorney or designee.

2. STAFFING. The city clerk's office shall provide staffing support.

3. RULES OF THE COMMITTEE.

The terms of the members shall expire at the end of the common council term in which those members were appointed.

4. DUTIES. The committee shall evaluate each proposed contribution, under s. 304-24, of a public arts project, as defined in s. 320-12-4-a, and its accompanying agreement and make recommendations to the common council concerning acceptance of the public arts project contribution and approval of its accompanying agreement. The committee shall make its recommendations to the common council not more than 30 days after each proposed contribution of a public arts project and accompanying agreement have been introduced to the common council. The common council shall make the final determination regarding the acceptance of a contribution of a public arts project.

5. AGREEMENT REQUIRED. Any contribution of a public arts project to the city shall be accompanied by an agreement that includes each of the following:

a. A plan for producing, siting, and installing the public arts project.

b. A plan to fund and deliver ongoing maintenance and restoration or an agreement detailing the city's maintenance duties.

c. A plan for deaccessioning the public arts project.

320-15. Board of Public Land Commissioners (City Plan Commission).

1. CREATED. There is created, pursuant to s. 27.11, Wis. Stats., a board of public land commissioners, which for convenience of identification, shall be known and referred to as the city plan commission, consisting of 7 citizen members, with the same purposes, powers, functions and terms as boards of public land commissioners created under s. 27.11, Wis. Stats. The board shall exercise all the powers conferred on city plan commissioners under s. 62.33, Wis. Stats.

320-16 Boards, Commissions and Committees

2. MEMBERS. a. Commissioners shall be appointed by the mayor subject to the approval of the common council within 60 days after the creation of the board, and such commissioners are to be persons of general qualifications rather than specialists or technicians in any particular phase of city planning.

b. Each commissioner shall hold his office until his successor is appointed and qualified. In December immediately preceding the expiration of the terms of any members, the mayor shall appoint their successors for a term of 3 years, subject to the approval of the common council. The salaries of said commissioners shall be paid in accordance with ordinances to make uniform the rates of pay and determine the offices and positions in the various departments, bureaus, boards and commissions in the city service under the control of the common council as passed by the said common council from time to time.

3. NONVOTING MEMBERS. In addition to the members identified in subs. 1 and 2, the city plan commission shall include, as non-voting members, one representative from each military base or installation in the city which has at least 200 assigned military personnel or contains at least 2,000 acres, if the base's or installation's commanding officer appoints such a representative.

320-16. Public Transportation, Utilities, and Waterways Review Board.

1. CREATED. a. There is created a public transportation, utilities, and waterways review board consisting of 11 members. Eight members shall be appointed by the president of the common council and 3 members shall be appointed by the mayor all to serve upon confirmation by the common council.

b. Members appointed by the president of the common council shall include at least 2 persons having experience working with taxicab services, one member representing Milwaukee county transit services, one member representing limousine or shuttle services, one member representing downtown business and transportation interests, one member

representing the interests of handicapped passengers, one member who neither owns nor leases a motor vehicle for personal use and who relies on public passenger transportation for personal travel and one member of the common council.

c. Members appointed by the mayor shall include at least one person with experience in city development or public works.

d. The president of the common council shall designate a chair from among the members.

e. The city residency requirements of s. 320-3 shall not apply to any member representing the interests of Milwaukee county transit services or any member representing the interests of handicapped passengers.

f. Each member of the public transportation, utilities, and waterways review board may name an alternate as provided in s. 320-4. A person named as an alternative by a member who is not subject to the city residency requirements of s. 320-3 shall also be exempt from the city residency requirement

2. MEMBER TERMS. All members of the public transportation, utilities, and waterways review board shall serve terms of 3 years. Each member shall designate in writing an alternate to act in the absence of the member.

3. DUTIES AND POWERS.

a. Members shall meet at the call of the chair and shall review and report on the licensing and regulation of public passenger vehicle services provided within the city or to city residents, and shall review and report on other modes of public ground transportation including transportation by buses, para-transit services, trolley and street cars, rail transport and shall review and report any other modes of public passenger transport that are or may become available within the city or to city residents and persons employed within the city.

b. Activities of the public transportation, utilities, and waterways review board shall include consideration of all modes of transportation, including pedestrian and bicycle transportation, and public utility issues and operations of the city's waterways, and shall

Boards, Commissions and Committees 320-17

include consideration of the manner in which all modes of transportation and transportation facilities, such as transit stops and parking, interrelate to improve the efficiency, accessibility, and safety of transportation systems and promote the welfare of the public.

c. The board may establish subcommittees and working groups to assist in the conduct of its duties. The board is further empowered to hold public hearings and to take testimony and evidence.

d. The public transportation, utilities, and waterways review board shall report its activities and recommendations to the common council.

4. STAFF. The city clerk shall provide staff support to the public transportation, utilities, and waterways review board.

320-17. Deferred Compensation Plan Board.

1. CREATION. a. There is created a deferred compensation plan board consisting of 11 members:

a-1. The mayor.

a-2. The chair of the common council's finance and personnel committee.

a-3. The city attorney.

a-4. The city comptroller.

a-5. The city treasurer.

a-6. The director of employee relations.

a-7. The executive director of the employees' retirement system.

a-8. One member receiving a service retirement allowance from the employees' retirement system, appointed by the common council president.

a-9. 2 employees appointed by the mayor for a term of 2 years.

a-10. One city employee appointed by the common council president for a term of 2 years.

b. Members listed under par. a-1 to 7 may name designees.

c. The following members shall be members of the city's deferred compensation plan at the time of appointment:

c-1. Designees of members listed under par. a-1 to 7.

c-2. Members appointed pursuant to par. a-8 to 10.

d. Members appointed pursuant to par. a-8 to 10 shall be confirmed by the common council.

e. Members appointed pursuant to par. a-8 to 10 shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board position, the appointing authority shall make an appointment within 60 days after the vacancy occurs.

2. DUTIES. The board shall promulgate such rules as may be necessary to supervise and direct the city's deferred compensation plan, pursuant to s. 5-50, city charter. A copy of such rules shall be filed in the city clerk's office and the legislative reference bureau.

3. STAFFING. The deferred compensation plan unit shall provide assistance to the board.

320-20. Milwaukee Symphony Orchestra Board: City Membership.

1. The members representing the city of Milwaukee on the Milwaukee symphony board of directors on February 4, 2006 shall serve until the third Tuesday of April 2008.

2. The mayor shall then appoint 3 persons, subject to confirmation by the common council, as city representatives to the Milwaukee symphony orchestra board of directors. Members shall be appointed no later than 60 days after the third Tuesday in April in even-numbered years to 2-year terms expiring on the third Tuesday of April 2 years thereafter. When a vacancy occurs in a board position the mayor shall make an appointment within 60 days after the vacancy occurs.

320- Boards, Commissions and Committees

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Municipal Research Library.

320-- Boards, Commissions and Committees

Pages 374-500 are blank.

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 mandatory unpaid furlough dates, the mandatory 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 mandatory furlough dates, the mandatory 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 personal illness or pregnancy-related disability, bodily injury or exclusion from employment because of exposure to contagious disease by the employee, or for the care of an employee's immediate family member. 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 mandatory 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, or the annual city health appraisal, without reporting the absence as paid sick leave, up to a maximum of 8 hours during a calendar year.

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.

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:

350-37-4 Employee Regulations And Benefits

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 mandatory furlough dates, the mandatory 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, except a noncivilian management employee of the fire department who shall take all earned leave in cash.

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.

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 Employee Regulations And Benefits

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.

Employee Regulations And Benefits 350-237

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 benefits.

b-12. Group life insurance.

b-13. 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.

b. City laborers who have not completed 2,080 hours of employment shall be eligible for the following employee benefits upon appointment:

b-1. Salary increments.

b-2. Overtime in cash or compensatory time-off.

b-3. Workers' compensation.

350-239 Employee Regulations And Benefits

b-4. Pay during time-off for military induction examinations.

b-5. Call-in pay.

b-6. Medical benefits.

b-7. Vacation pay.

b-8. Sick leave with pay.

c. City laborers shall become eligible for the following additional employment benefits after completing 2,080 hours of work:

c-2. Injury pay.

c-3. Holiday pay.

c-4. Shift differential pay.

c-5. Weekend differential pay.

c-6. Jury duty with pay.

c-7. Military training leave of absence with pay.

c-8. Dental insurance.

c-9. Group life insurance.

c-10. Retirement benefits.

c-11. Sick leave incentive program.

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.

d-5. Sick leave incentive program.

d-6. Jury duty with pay.

d-7. Tuition and textbook reimbursement.

d-8. 2-hour doctor and dentist appointment.

e. More than half-time employees shall be eligible for group life insurance on a pro rata basis and only during the period of actual employment.

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.