

**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:

201304 A substitute ordinance relating to employee wages, benefits, and regulations.

210541 A substitute ordinance relating to the city's information security system.

<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. #324)					
310-4-2-n	cr	210541	8/14/2021	v-vi	v-vi
350-2-2-c	am	201304	'''	903-904	903-904
350-25-2-c	am	201304	'''	907-908	907-908
350-35-3	am	201304	'''	915-920	915-920
350-35-3.5	am	201304	'''	915-920	915-920
350-35-5-a	am	201304	'''	915-920	915-920
350-36-2-a-6	am	201304	'''	915-920	915-920
350-36-3	am	201304	'''	915-920	915-920
350-36-4	am	201304	'''	915-920	915-920
350-37-0	am	201304	'''	915-920	915-920
350-37-8	am	201304	'''	915-920	915-920
350-40-1-a	am	201304	'''	923-924	923-924
350-90-5	am	201304	'''	931-932	931-932
350-100-2	am	201304	'''	931-932	931-932
350-116-1	rc	201304	'''	933-934	933-934
350-116-2-b	am	201304	'''	933-934	933-934
350-116-3	am	201304	'''	933-934	933-934
350-116-4	rc	201304	'''	933-934	933-934
350-181-11	am	201304	'''	949-950	949-950

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Abbreviations:

am=amended

cr=created

corr=correction

ra=renumbered and amended

rc=recreated

rn=renumbered

rp=repealed

Revised 7/27/2021
Suppl. #325

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 27, 2021.

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**CHAPTER 310
DEPARTMENT OF ADMINISTRATION**

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310-1. Definitions. In this chapter:

1. **CONTRACTING AGENCY** means any city department, agency, board, commission or officer that has contracting authority.
2. **DEPARTMENT** means the department of administration.
3. **FORMAL COMPETITIVE BIDDING** shall have the meaning given in s. 16-01-1 of the charter.
4. **PURCHASING DIRECTOR** means the city purchasing director granted the authority to purchase in s. 16-05-1-a of the charter.

310-2. Department Established. There is created a department of administration, under

the supervision of a director of administration, with the following responsibilities:

1. Budget and management.
2. Capital improvements administration.
3. Community development block grant administration.
4. Information and technology management
5. Intergovernmental relations.
6. Purchasing.
7. Office of equity and inclusion.
8. Citywide emergency response coordination.
9. Environmental sustainability program management.
10. Office of African American affairs.

310-3. Environmental Sustainability Director.

There is created an environmental collaboration office in the department of administration which shall be responsible for the administration, coordination and implementation of the city's environmental sustainability program. Under the direction of the department of administration, the environmental collaboration office shall be administered by an environmental sustainability director. The director of environmental sustainability shall be appointed by the director of administration and confirmed by the common council.

310-4. Chief Information Officer.

1. **AUTHORITY.** The chief information officer shall be responsible for coordinating information and technology management for the city of Milwaukee and is subject to the direction and control of the director of administration.
2. **FUNCTIONS.** The chief information officer shall:
 - a. Establish a city of Milwaukee information technology strategic plan in conjunction with the city information management committee.
 - b. Establish standards and guidelines for information and technology management.
 - c. Review and evaluate information technology projects
 - d. Serve as a resource to departments in developing and managing information technology projects.

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e. Coordinate monitoring and reporting of information technology projects.

f. In partnership with departments, develop standards for e-government applications, systems and technology on a citywide basis, including transactions through the internet such as payments, service requests and applications.

g. Maintain and support the city website.

h. Work in collaboration with the department of employee relations to develop a citywide information technology training plan and programs.

i. Be responsible for municipal communications and coordinate with city departments and agencies on communications issues to promote interoperability and integration of city communication systems.

j. Coordinate with city departments and agencies in developing a draft telecommunications policy for the city, recommending this policy to the mayor and common council, and implementing this policy.

k. Inventory and review outsourcing and use of consultants by city departments and agencies for information technology functions.

L. Determine if additional boards, committees or task forces are needed to effectively manage information technology.

m. Coordinate city network services by developing a citywide plan for management, operations, and policies in conjunction with the department of public works.

n. Establish and maintain an information security program, including procedures, processes, and training designed to reduce risks and protect enterprise information systems, assets, and communications from internal and external threats.

3. COORDINATION AND COOPERATION WITH THE DEPARTMENT. All officials and employees of the city shall assist the department and the chief information officer in fulfilling their information and technology responsibilities and shall make available all records, documents and other materials necessary for the performance of the department's functions as provided herein. All city departments and agencies shall:

a. Comply with the information technology plans, standards, policies, guidelines and systems established by the department of administration. The department of administration may grant exceptions based on unique departmental business needs.

b. Cooperate with the department of administration in providing access to data, databases, information and systems as needed for enterprise purposes.

c. Participate in enterprise systems, applications or other technology established by the department of administration, including but not limited to e-government.

d. Involve and cooperate with the department of administration in their communications planning and implementation efforts.

4. INFORMATION TECHNOLOGY PROJECT MANAGEMENT. The department of administration shall implement an information technology project management process.

a. Departments shall submit budget requests for all information technology spending and projects from all funding sources on forms established by the department of administration as part of departmental estimates submitted pursuant to s. 18-03.

b. Departments shall ensure that information technology budget requests are consistent with the information technology strategic plan established by the department of administration.

c. The department of administration shall conduct a comprehensive analysis of information technology requests and recommend projects to the mayor for inclusion in the proposed budget pursuant to s. 18-04-2.

310-5. Records. The director of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of the director's office. Each division director in the department of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of their respective division.

310-6. Intergovernmental Relations.

1. AUTHORITY. The division of intergovernmental relations shall have authority to make studies and investigation, to promote programs to attack the underlying problems which face the city and to provide information with respect to fiscal matters related to the securing of a greater share of state and federal funds and to do whatever may be required in promoting for the city a greater share of state and federal fund distributions.

2. FUNCTIONS. The division of intergovernmental relations shall be under the direction and supervision of a intergovernmental relations director. The intergovernmental relations director shall be authorized to

represent the city before legislative bodies of both the federal government and the state of Wisconsin as well as other political subdivisions of this state, subject to provisions of s. 350-211. The intergovernmental relations director may confer with officials and representatives of municipalities and of other political subdivisions of this state for the purpose of securing assistance and cooperation in effectuating the purposes and objectives for which the division is created. The intergovernmental relations director may carry on educational programs, communicate in writing and make personal appearances and perform such other duties and responsibilities as in the judgment of the intergovernmental relations director shall be most beneficial to the accomplishment of the purposes and objectives herein provided. The intergovernmental relations director shall from time to time as the director determines most appropriate or as directed by the mayor or the common council, submit reports with reference to the operations of this division. It shall also be the duty and responsibility of the director to carry out programs wherever necessary to increase the city's share of federal and state contributed funds in accordance with proposals prepared from time to time by the director and approved by the common council. Annual reports and recommendations shall be required of the director to be made to the common council.

3. COORDINATION. The intergovernmental relations director shall make recommendations to the common council and mayor, as the need arises, as to those matters relating to the underlying problems faced by the city and to fiscal equity, and as to applications for state and federal grants, which would benefit from cooperative action by the common council and mayor, with those officials responsible for applications for state and federal grants who are under the jurisdiction of the county board of supervisors, the board of school directors, the board of vocational and adult education, the city and metropolitan sewerage commissions, and the social development commission of greater Milwaukee.

310-7. Control of Obsolete Material and Abandoned and Unclaimed Goods.

1. CONTROL AND DISPOSITION OF OBSOLETE MATERIAL.

a. Control. Whenever any property belonging to the city except land, shall have become obsolete, disused, worn out or scrapped, the department of administration shall

take charge and control of such property and shall determine the method of disposal of such property. All responsible administrative heads of each department and board in connection with the city shall request direction from the department of administration when they identify materials, supplies or equipment which are no longer used or which have become obsolete, worn out or scrapped.

b. Disposition. If any of the material, equipment or supplies can be used by any other municipal department or the Milwaukee public schools, the department of administration is authorized to make such material, equipment or supplies available for use in that department. If the material, equipment or supplies because of its condition can no longer be used for municipal purposes, the department of administration may dispose of the same by any of the following means set forth in sub. 2-b as determined by the department to be in the best interest of the city.

2. CONTROL AND DISPOSITION OF UNCLAIMED AND ABANDONED PROPERTY.

a. Control. In accordance with s. 105-122, the department of administration shall determine the method of disposal of unclaimed or abandoned property identified as such by the chief of police with the exception of abandoned or unclaimed property to be sold on the city's behalf by an Internet auction service.

b. Disposition. The department of administration may, pursuant to s. 66.0139, Wis. Stats., dispose of any such abandoned or unclaimed property by any of the following means determined by the department to be in the best interest of the city:

b-1. The property may be sold at a public auction, including the city's Internet auction site or an Internet auction service contracting with the city.

b-2. The property may be sold without a public auction at a sale open to the public.

b-3. The property may be sold in a private sale through an agreed-upon amount of sale.

b-4. The property may be retained by the city for its own use.

b-5. The property may be donated.

b-6. The property may be destroyed.

b-7. The property may be used in trade on other property to be acquired.

c. Record Keeping. If the property is not disposed of in a sale open to the public, the department of administration shall maintain an inventory of the property, a record of the date and method of disposal, including the

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consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of not less than 2 years from the date of the disposal of the property.

3. **SALE PROCEEDS.** The proceeds of all sales under this section shall be paid to the city treasurer and credited to the general ledger, except proceeds of sales of obsolete equipment from an enterprise funded department shall be credited to the enterprise funded department.

4. **EXCEPTIONS.** The provisions of this section, however, are not applicable to the disposition of unclaimed or abandoned flammable, explosive or incendiary devices, unclaimed or abandoned firearms or ammunition, unclaimed or abandoned motor vehicles or trailers and unclaimed or abandoned shopping carts.

310-10. Socially-responsible Contractors.

1. **DEFINITIONS.** "Socially-responsible contractor" means an entity submitting a bid as part of the city's formal competitive bidding process that has acted or implemented a program to eliminate, or significantly reduce, barriers to employment for current and prospective employees of the contractor. Actions or implemented programs shall include at least 3 of the following actions or programs to:

- a. Hire persons with felony convictions.
- b. Assist current or prospective employees in earning high school diplomas.
- c. Underwrite or facilitate industry-linked career-assessed pre-employment services, subsidized or unsubsidized work experience, including internships, job shadowing, on-the-job training, and summer employment.
- d. Partner with a selected employment service agency to monitor and track individualized employment plans.
- e. Provide, underwrite or facilitate industry-linked career-based instruction to current and prospective employees in areas, including but not limited to, blueprint reading, basic math and measurement, technical math, labor history, construction culture and essential skills, health and safety awareness, manufacturing process and production, maintenance, budgeting and financial literacy.

f. Provide or facilitate occupational-skills training and related adult mentoring and networking.

g. Underwrite or facilitate subsidized or unsubsidized programs which provide supportive services for current or prospective employees to obtain or fund the following:

- g-1. Valid driver's licenses.
- g-2. Transportation vouchers to work and home.
- g-3. Appropriate work attire, work safety gear and needed equipment.
- g-4. Testing and certification fees.
- g-5. Legal aid services.
- g-6. Child care and family-related dependent care.
- g-7. Emergency housing, health care and short-term emergency assistance.
- g-8. Career and training services.
- g-9. School supplies, books and fees.
- g-10. Referrals to medical services and exams.

g-11. Reasonable accommodation for persons with disabilities.

h. Partner with employment service agencies to supplement subsidized wages to ensure that employees receive a living wage.

i. Provide breast-feeding facilities for employees who are nursing children.

j. Provide a minimum of 120 hours of paid sick leave.

k. Provide a minimum of 5 paid sick days.

L. Provide an employer assisted housing program providing homebuyer assistance in the form of mortgages, down payment assistance or homebuyer education for residences within walking distance of their employer.

m. Provide assistance to reduce fees and penalties on tardy child-support payments, manage payment of child-support arrears and become current on child-support obligations.

2. **PURPOSE.** The purpose of this section is to ensure contributions toward community betterment made by socially-responsible contractors are recognized and rewarded.

3. **DISCLOSURE.** Each bidder or proposer seeking to qualify as a socially-responsible contractor shall submit, as part of its bid, a sworn affidavit describing actions taken and programs implemented to eliminate, or substantially reduce, the barriers to employment for current and prospective employees of the contractor, and the outcomes of these actions and programs.

4. EVALUATION PREFERENCE. The purchasing director shall develop procedures, rules and regulations to provide an incentive for a bidder or proposer to qualify as a socially-responsible contractor.

5. CONTRACT AWARD. The provisions of this section shall apply to each formal competitive bid and each request for proposals, provided the bid of the socially-responsible contractor does not exceed the lowest bid by more than 5% or \$25,000. Additional points equal to 5% of the maximum number of points used in the evaluation of requests for proposals shall be applied to increase the total score attained by a socially-responsible contractor.

6. REPORT TO COMMON COUNCIL. The purchasing director shall report annually to the common council on the status of contracts awarded under provisions of this section not later than 30 days after the anniversary of the effective date of this section.

310-12. Professional Service Contract Limitations. If a contracting agency enters into a professional service contract, as defined in s. 310-13-2-b, with any person who has retired from that department and is receiving a retirement allowance from the employees' retirement system, the combined annual value of the professional service contract and the retirement allowance may not exceed the retired person's earnable compensation, as defined under s. 36-02-12 of the charter, during the 12 months immediately preceding the retirement date, and the contract term shall not exceed a period longer than 18 months. The common council may waive these limitations by resolution for special circumstances, as it, in its sole discretion, shall determine and deem necessary.

310-13. Service Contract Wage Requirements. **1. PURPOSE.** The purpose of this section is to ensure a living wage for all employees of contractors and subcontractors performing services for the city.

2. DEFINITIONS. In this section:
a. "Living wage" means, prior to March 1, 2015, an hourly wage rate of \$10.10 per hour. Effective March 1, 2015, it shall mean the average of the amount required to produce, for 2,080 hours worked, an annual income equal to the U.S. department of health and human services' most recent poverty guideline for a family of 3 and family of 4 in the 48 contiguous states, as determined by the city clerk on March 1 of each year.

b. "Professional service contract" means any contract in which the majority of workers engaged in the performance of the contract perform work which:

b-1. Is predominantly intellectual and varied in nature, as opposed to work which involves routine mental, manual, mechanical or physical labor.

b-2. Requires advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher education or a hospital.

c. "Service contract" means a contract having a value exceeding \$5,000 that directly engages the time and effort of a contractor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply. A "service contract" does not include a "professional service contract" under par. b., a department of public works contract subject to s. 66.0903, Wis. Stats., a contract administered by the office of community development grants administration or a contract with the Milwaukee public schools.

3. LIVING WAGE REQUIREMENT. Unless contrary to federal, state or local law, all workers, whether permanent or temporary, full-time or part-time, employed in any work performed as part of a service contract with a contracting agency, as defined in sub. 2-c, shall receive and be paid a sum of not less than the living wage in effect at the time a contract is awarded. No contractor may use the living wage requirement of this subsection to reduce the wage paid to any person employed by the contractor.

4. SERVICE CONTRACT BID AND REQUEST-FOR-PROPOSAL SPECIFICATIONS. A contracting agency shall add a digest of the provisions of this section to all specifications for service contract work upon which they call for formal competitive bids or issue requests for proposals unless the purchasing director approves the waiver of the provisions in cases where it is likely that no bids or proposals will be received without such a waiver.

5. SPECIFICATIONS FOR SERVICE CONTRACTS. No service contract, as defined in sub. 2-c, shall be entered into by a contracting agency unless the contract contains the following stipulations or their equivalent:

a. The contractor agrees to pay all workers employed by the contractor in the performance of this contract, whether on a full-

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time or part-time basis, a base wage of not less than living wage.

b. The contractor agrees to make a sworn report or affidavit, within 10 days following the contractor's completion of the contract, or every 3 months, whichever occurs first, and to procure and submit a like sworn report or affidavit from every subcontractor employed by the contractor to the contracting agency regarding every person employed on or under this contract or subcontract. The affidavit or report shall include, but not be limited to, for the specified time period, the person's name, address, type of work performed, total hours worked on the service contract, hourly wage rate, gross earnings, and employer's contribution to vacation, welfare and pension trust funds. The reports or affidavits shall be accompanied by a statement that each employee has been paid in full the amount of not less than living wage and that there has not been, nor is to be, any rebate or refund of any part of said wages by the employee to the employer.

c. If any documents submitted to a contracting agency by the contractor contain any false, misleading or fraudulent information, or if the contractor fails to comply with the provisions of s. 310-13, the contracting agency may withhold payments on the contract, terminate, cancel or suspend the contract in whole or in part, or, after a due process hearing, deny the contractor the right to participate in future city contracts for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

6. POSTING OF WAGE RATE. For every service contract, as defined under sub. 2-c, the living wage required by sub. 3 shall be kept posted by the contractor at the site of the work in a prominent place where it can be easily seen and read by persons employed in the performance of the contract. In addition, a copy of the living hourly wage requirement shall be supplied to any person employed in the performance of a service contract at the request of the person within a reasonable period of time after the request.

7. MONITORING AND ENFORCEMENT. a. Responsibility. The department shall monitor and enforce all service contracts for compliance with this section except for service contracts executed by the department of public works which shall be monitored and enforced by the department of public works. The department or department of public works shall review and monitor the sworn reports or affidavits

periodically submitted by service contractors, receive and investigate complaints from service contractors and service contract employees relating to compliance with this section, and impose appropriate sanctions upon any contractor who provides false information to the department or department of public works or fails to comply with the provisions of this section.

b. Employee Complaints. Any person employed in the performance of a service contract may, within one year from the date of an alleged failure to comply with sub. 3, file a written complaint with the department or department of public works regarding the service contractor's alleged failure to comply with sub. 3. No service contractor may discharge, reduce the compensation of or otherwise retaliate against any person employed in the performance of a service contract for making a complaint or for using any civil remedies to recover damages.

c. Appeals. Any service contractor or service contract employee who objects to any decision or action of the department or department of public works concerning the application or enforcement of this section may appeal the decision to the purchasing director or administrative review appeals board in the case of department of public works service contracts in a manner similar to the process provided in s. 310-19-4.

d. Sanctions. Any contractor or subcontractor engaged in a service contract who has been found by the department or department of public works to have submitted any false, misleading or fraudulent information, or to have failed to comply with the provisions of this section, may be subject to any of the following sanctions, imposed by the department or department of public works:

d-1. Withholding of payments.

d-2. Termination, suspension or cancellation of the contract in whole or in part.

d-3. After a due process hearing, denial of the right of the contractor or subcontractor to participate in future city contracts, by himself or herself, partner or agent, or by any corporation of which he or she is a member, for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

310-14. Slavery Era Business, Corporate and Insurance Disclosure. 1. PURPOSE. The purpose of this section is to promote full and accurate disclosure to the public about any slavery policies sold by any companies, or profits from slavery by industries, or their

predecessors, who are doing business with the city.

2. DEFINITIONS. For the purposes of this section:

a. "Company" means any person, firm, corporation, partnership or combination of these.

b. "Contract" means any agreement, franchise, lease or concession including an agreement for any professional services, the performance of any work or service, the provision of any materials or supplies or rendering any service to a contracting agency or the public, which is let, awarded or entered into with or by any contracting agency.

c. "Enslaved person" means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the slavery era.

d. "Investment" means to make use of an enslaved person for future benefits or advantages.

e. "Predecessor company" means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by the company.

f. "Profits" means any economic advantage or financial benefit derived from the use of enslaved persons.

g. "Slavery" means the practice of owning enslaved persons.

h. "Slavery era" means that period of time in the United States of America prior to 1865.

i. "Slaveholder" means holders of enslaved persons, owners of vessels carrying enslaved persons or other means of transporting enslaved persons, merchants or financiers dealing in the purchase, sale or financing of the business of enslaved persons.

j. "Slaveholder insurance policies" means policies issued to or for the benefit of slaveholders to insure them against the death of, or injury to, enslaved persons.

3. DISCLOSURE. a. Each contractor whose company was established during the slavery era with whom the city enters into a contract, whether or not subject to formal competitive bidding, shall complete an affidavit, prior to or contemporaneous with entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery

era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

b. The city shall make the information contained in the affidavit available to the public, including but not limited to making the information accessible on the city's Internet accessible World Wide Web home page and provide an annual report to the common council.

4. SANCTIONS. Any contract between the city and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void.

310-15. Purchase of Products Made from Recycled Materials.

1. Each contracting agency shall, to the extent practicable, make purchasing decisions that maximize the purchasing of materials and products using recycled materials and recovered materials.

2. Each contracting agency shall ensure that the average recycled or recovered content of all paper purchased by the contracting agency is no less than the U.S. environmental protection agency's published recycled-content recommendations.

3. Each contracting agency that awards contracts for equipment and supplies shall, to the extent practicable, award contracts for equipment and supplies that will minimize the amount of solid waste generated by the city. Each contracting agency shall, to the extent practicable, diminish the purchase of single-use disposable products and substitute the purchase and use of multiple-use, durable products.

310-16. Placement of Vending Machines on City Property.

No city department or employee or agent thereof may request and permit the placement of a vending machine in any city office or facility or elsewhere on city property, or enter into an agreement or contract for such placement, unless the placement of the vending machine, and any agreement or contract therefore, has been reviewed and approved by the city purchasing director and the commissioner of public works or the commissioner's designee.

310-17. Ethical Procurement.

1. PURPOSE. The common council finds that: a. It is in the city's best interest to procure items and services from responsible vendors and manufacturers who provide a safe, non-discriminatory work environment, and who compensate their employees with non-poverty wages.

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b. Many manufacturers, both domestic and international, are engaged in practices that result in poverty wages, violations of workers' rights and unsafe and unhealthy working conditions.

c. Minimum standards for workers' and human rights should be extended to all workers, and it is the responsibility of the city of Milwaukee to ensure that it is not expending funds in ways that contribute to violation of workers' rights and the perpetuation of poverty.

d. As a participant in the marketplace, the city chooses to expend its purchasing dollars to enhance the economic and social well-being of people, while acquiring the best possible quality goods and services at the lowest cost.

2. DEFINITIONS. In this section:

a. "Apparel" means all items of clothing and cloth produced by weaving, knitting and felting, and shall include uniforms, coveralls, footwear, linens and entrance mats.

b. "Contractor" means the business entity with which a contracting agency enters into a contract.

c. "Manufacture" means to process, fabricate, assemble, treat or package.

d. "Non-poverty wage" means the following for:

d-1. Domestic manufacturers. A base hourly wage of the amount required to produce, for 2,080 hours worked, an annual income equal to the U.S. department of health and human services' most recent poverty guideline for a family of 3 in the 48 contiguous states plus either health benefits or an additional 20% in hourly wages to be adjusted by the city clerk on March 1 of each year.

d-2. Outside the United States. A nationwide wage, to be adjusted annually, that shall be comparable to the wage for domestic manufacturers in subdiv. 1, adjusted to reflect the country's level of economic development using the central intelligence agency's most recent world factbook purchasing power parity-adjusted gross domestic product per capita index.

e. "Responsible contractor" means an entity, other than a contractor or subcontractor operating as a small business enterprise as defined in s. 370-17, engaged in custodial, janitorial, security or food services that can demonstrate that neither the entity nor any parent company or subsidiary has violated any federal, state or local wage and hour or employment discrimination laws within the past 5 years, including any violation of the following:

e-1. Any federal occupational safety and health administration law or regulation.

e-2. The Equal Employment Opportunity Act of 1972.

e-3. The McNamara Service Contract Act.

f. "Responsible manufacturer" means an establishment engaged in manufacturing, distributing, laundering or dry cleaning that can demonstrate all of the following:

f-1. Compliance with all applicable local, state and national laws of the jurisdiction in which the labor is performed concerning wages and benefits and workplace health and safety. In addition, for manufacturers located outside the United States, compliance with the principles of the fundamental conventions of the International Labor Organization regarding forced labor, child labor and freedom of association.

f-2. Payment of non-poverty wages as defined in par. d-1 for domestic manufacturers and par. d-2 for manufacturers located outside of the United States to laborers in any work done as part of fulfillment of a contract with the city.

f-3. Termination of its employees only with just cause.

f-4. Establishment of a mechanism for the resolution of workplace disputes that are not regulated by the National Labor Relations Act.

g. "Service contract" means a contract subject to formal competitive bidding that directly engages the time and effort of a contractor whose primary purpose is to perform tasks related to security, janitorial, or food services, rather than to furnish an end item of supply.

h. "Violation" means findings of fault by a court or other regulatory agency.

3. REQUIREMENTS FOR APPAREL PURCHASES. a. Application. Unless contrary to federal, state or local law, contracting agencies shall award contracts to responsible manufacturers for all apparel contracts subject to formal competitive bidding. These contracts may include any or all of the following activities relating to apparel: purchase, rental, laundering and dry cleaning.

b. Affidavits. b-1. No contracts for items referenced in par. a shall be entered into by contracting agencies unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include the following information for the specified time periods of the contracts:

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.

**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

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 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 3 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. One day with pay may be used to attend the funeral of a grandparent of the employee. 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 exclusion from employment because of exposure to contagious disease by the employee. 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

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

**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.

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.

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.