

**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:

200184      A substitute ordinance relating to employee wages, benefits and regulations.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #325)</b>					
				v-vi	v-vi
350-30-1-d	am	200184	3/20/2021	911-914	911-914
350-30-1-e	am	200184	3/20/2021	911-914	911-914
350-37-15-c	am	200184	3/20/2021	921-922	921-922
350-37-15-g	cr	200184	3/20/2021	921-922	921-922
350-237-3-b	rp	200184	3/20/2021	959-964	959-964
350-237-3-c	rp	200184	3/20/2021	959-964	959-964

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**Abbreviations:**

**am=amended**  
**cr=created**  
**corr=correction**

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

**rn=renumbered**  
**rp=repealed**

\*Revised 9/21/2021  
Suppl. #326

\*These revisions reflect changes made by the Common Council March 2, 2021.



## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through September 21, 2021.

Revised 9/21/2021  
Suppl. #326



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

f. Conditions and Limitations on Benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g. "Retiree" shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

a-5. Dependents of limited-benefit employees.

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

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

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

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

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

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

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

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

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

### **7. PAYMENTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **350-33. Long-Term Disability Insurance.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Special incentive leave time earned in trimester 1 may be used in trimester 2 or 3 of the same fiscal year; special incentive leave time earned in trimester 2 may be used in trimester 3 of the same fiscal year; and special incentive leave time earned in trimester 3 may be used in trimester 1, 2 or 3 of the following fiscal year.

c. Special incentive leave time shall be added to the vacation leave account of the employee as it is earned. Special incentive leave time shall be administered like vacation and shall be subject to scheduling approval by the department head. The employee may elect to take cash in lieu of time-off.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **350-237. Exclusion from Benefits.**

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

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

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

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

### **2. BENEFITS EXCLUDED.**

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

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

b-1. Vacation with pay.

b-2. Additional off-days with pay.

b-3. Sick leave with pay.

b-4. Funeral leave with pay.

b-5. Injury pay.

b-6. Holiday pay.

b-7. Holiday differential pay.

b-8. Shift differential pay.

b-9. Jury duty with pay.

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

b-11. Medical and dental benefits.

b-12. Group life insurance.

b-13. Voluntary benefits.

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

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

### **3. BENEFITS PROVIDED.**

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

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

d-1. Vacation with pay.

d-2. Holiday pay.

d-3. Sick leave with pay.

d-4. Funeral leave.

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

### 4. APPLICATION AND ADMINISTRATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**350-245. Domestic Partnership Registration.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **350-247. Fraud, Waste and Abuse Hotline.**

#### **1. PURPOSE AND INTENT.**

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

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

#### **2. DEFINITIONS.** In this section:

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

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

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

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

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

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

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

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

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

a-5. Inefficiency of city employees.

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

#### **5. INTERNAL AUDIT; INVESTIGATION**

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

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

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

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

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

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

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

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

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

**7. EMPLOYEE PROTECTION.**

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

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

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

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

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

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

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

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

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

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

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

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

a. The number of complaints received.

b. The types of complaints received.

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

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

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

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

**Pages 965 to 1090 are blank.**