



Department of Employee Relations

Tom Barrett
Mayor

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Labor Negotiator

May 28, 2020

REVISED

MEMORANDUM

TO: Department Heads, Personnel Officers, Payroll Clerks

FROM: Nicole Fleck, Labor Negotiator *NMF*

RE: Mayoral Proclamation, May 7, 2020 - Exceeding Maximum Vacation Accrual

On May 9th the Common Council approved file #200052, the Mayoral Proclamation of May 7, 2020 which contained changes to Chapter 350, subchapter 4: Vacations, to allow certain general city employees to accrue up to an additional 80 hours of vacation beyond the maximum allowed by the provisions of the Milwaukee Code of Ordinances as approved by the Department of Employee Relations (DER).

Administration of this change requires DER to develop the framework that will be used for departments to request authority to allow employees to accrue the additional hours and the basis for which decisions will be made. Please note this change became effective immediately but accrual is not retroactive.

The relevant provision of the MCO is **Chapter 350-40-5-a-g – Maximum Vacation Balances**. This section contains the language which sets vacation accrual maximums based on years of service. Such maximum accrual balances may only be “lifted” under the new provision as approved by DER.

Eligibility – general city employees supporting essential infrastructure functions and those working to substantially support the mitigation and response to the COVID-19 pandemic who are unable to use their earned vacation during the period of the emergency commencing on or after May 7th and are at or near the max of the vacation accrual balances. For purposes of this provision, general city employees include civilian personnel of the Fire and Police Departments **and Sworn, non-represented, management employees of the Fire and Police Departments**.

This is a temporary provision intended to recognize that essential infrastructure personnel required to report to work during the emergency and those supporting COVID-19 activities may not be able to take time off until the emergency is over. Therefore this benefit is not anticipated to be extended to employees who have simply chosen not to use their vacation and are now finding themselves at the maximum accrual balance.



In order for employees to be able to accrue up to 80 hours beyond the maximum cap, a Department Head must make a request on behalf of an eligible employee. The request should be addressed to me and must include the following information:

- The name of the employee(s), the title, the division or work unit the employee works for, and the employee's vacation accrual balance as of Pay Period 9, 2020
- Details regarding the specific reason(s) why the employee(s) have not been able to use vacation
- Copies of any communication provided to employees regarding restrictions on time off requests during the emergency or documentation regarding canceled vacation plans due to the emergency (if available)

Once the request is received in Labor Relations it will be reviewed and a response will be provided either approving or denying the request. This response will be sent to the Department Head, or designee, the HR Officer, Payroll, and the Comptroller's Office.

The ability to accrue more vacation hours is effective starting in Pay Period 10 and shall continue until the expiration of the emergency declared by the Mayor. Employees may only accrue an additional 80 hours of vacation over the maximum allotment of vacation accrual based on years of service. This additional vacation will be placed into a TVA, or TVA like account, and the additional accrued vacation time will need to be used prior to using vacation time from an employee's regular vacation account.

If you have any questions regarding this memo please contact me at x3371.

