




Office of the Comptroller

# Milwaukee County

Scott B. Manske • Comptroller

DATE: January 8, 2016

TO: Theodore Lipscomb, Sr., Chairman, County Board of Supervisors

FROM: Scott B. Manske, Comptroller 

SUBJECT: A Request to Amend Section 17.17(1) of the Milwaukee County Code of General Ordinances to Codify When Unused Vacation Hours are Paid to an Employee Leaving Employment with Milwaukee County and to Remove Limitation on Overtime Payout upon Death of an Employee

**Issue:**

Various changes have been made to County ordinances and rules over the past several years that relate to the accrual of, use of and payout of vacation hours for employees. However, neither ordinance nor other codified rules have clearly defined when an employee is entitled to payout of unused vacation time upon separation or termination from County employment.

When reviewing current rules and ordinances on vacation payout, it was determined that County ordinances previously limited payout of accrued overtime for an employee who dies to 120 hours. This limitation is in violation of State wage laws.

**Analysis:**

Because this request will codify past practice, there will be no change to employees or to the County by approving this request. This action will also have positive impacts. Employees leaving employment with Milwaukee County will easily be able to determine if they are entitled to a vacation payout. County staff will also have a precise definition of when employees are entitled to a vacation payout which will reduce time spent on administration of vacation payouts.

Additionally, in order to comply with State wage laws, the County cannot limit the payout of accrued overtime to 120 hours when an employee dies. Although this change results in a positive impact to the estate or heirs of a deceased employee, it has no financial impact on the County as the County does not reduce its calculation of accrued overtime liability due to this limitation.

**Recommendation:**

Our office worked with Corporation Counsel on this matter, and Corporation Counsel also supports the amendment. Therefore, I recommend that the County Board of Supervisors approve the request to codify into ordinance when unused vacation hours are paid to an employee leaving employment with Milwaukee County.