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(ITEM) A resolution/ordinance by Supervisor Alexander to amend Section 17.17(1) of the Milwaukee County Code of General Ordinances, relating to vacation benefits and service credit with other Wisconsin governmental employers, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, on March 21, 1996, the Milwaukee County Board of Supervisors (County Board) amended the vacation benefit ordinance (File No. 96-270) to provide that years of creditable pension service earned by a Milwaukee County (the County) employee while previously employed with the County, the State of Wisconsin, or any other municipality within the State of Wisconsin shall be included in the employee’s service for purposes of determining the employee’s County vacation benefit; and

WHEREAS, the County Board further provided in that amendment that a County employee who returns to County employment, but who was previously involuntarily terminated from County employment, shall not have that service included in the above provision; and

WHEREAS, issues have arisen since the amendment passed relative to the interpretation of the qualifier that the pension service earned with the other governmental employer must be “creditable;” and

WHEREAS, the ordinance has been interpreted to mean that an employee of another Wisconsin governmental employer who earned pension service credit with that employer, but who withdrew their pension contributions from that pension system, or who retired from such a system, no longer possessed “creditable” pension service with that other employer and therefore is not entitled to such service credit for purposes of County vacation benefits; and

WHEREAS, an employee such as that described in the preceding paragraph should be provided with the same service credit towards vacation entitlement at the County as an employee who did not withdraw their pension contributions or did not retire from that system, as long as that employee was not involuntarily terminated from that employment; and

WHEREAS, this objective can be accomplished by removing the requirement that the pension service be “creditable;” and

WHEREAS, any changes in vacation benefits for represented public safety workers must be collectively bargained with those certified bargaining units, but these amendments can be adopted for all other County employees who are not in a certified bargaining unit of public safety workers; and

47 WHEREAS, the Committee on Personnel, at its meeting of July 15, 2016,
48 recommended adoption of this resolution/ordinance (vote 4-0); now, therefore,
49

50 BE IT RESOLVED, that to ensure the above-noted revisions are properly
51 codified, the Milwaukee County Board of Supervisors does hereby adopt the following:
52

53 **AN ORDINANCE**
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55 The County Board of Supervisors of the County of Milwaukee does ordain as
56 follows:
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58 **Section 1.** Section 17.17(1)(a) is amended to read as follows:

59 **17.17. - Vacations and holidays.**

60 (1)(a)

61 The heads of all departments, bureaus, institutions, boards or commissions shall make
62 provision for, designate, and allow annual leaves with pay to serve as vacation
63 equivalent to eighty (80) hours for each employe who has completed one (1) year or
64 more of service, unless as otherwise may be provided for by collective bargaining
65 agreements; one hundred twenty (120) hours for each employe who has completed five
66 (5) years or more of service; one hundred sixty (160) hours for each employe who has
67 completed ten (10) years or more of service; two hundred (200) hours for each employe
68 who has completed twenty (20) years or more of service; assistant chiefs of airport
69 rescue and firefighting, employes shall be allowed annual leave with pay to serve as
70 vacation equivalent to one hundred four (104) hours for each employe who has
71 completed one (1) year or more of service; one hundred fifty six (156) hours for each
72 employe who has completed five (5) years or more of service; two hundred eight (208)
73 hours for each employe who has completed ten (10) years or more of service; two
74 hundred sixty (260) hours for each employe who has completed fifteen (15) years or
75 more of service; and three hundred twelve (312) hours for each employe who has
76 completed twenty (20) years or more of service; firefighter and equipment operators,
77 employes paid on an hourly or per diem basis who customarily work less than forty (40)
78 hours per week or two thousand eighty (2,080) hours per annum, employes paid on a
79 per call or clinic hourly basis, and part-time employes paid on a biweekly basis whose
80 services are required less than half-time, unless as otherwise provided for by collective
81 bargaining agreements; firefighter and equipment operators shall be allowed annual
82 leave with pay to serve as vacation as follows: five (5) work days for each employe who
83 has completed one (1) year or more of service, seven (7) work days for each employe
84 who has completed five (5) years or more of service, ten (10) work days for each
85 employe who has completed ten (10) years or more of service, and twelve (12) work
86 days for each employe who has completed twenty (20) years or more of service. During
87 the first year of employment, or in a return to service, an employe will be granted a
88 proportional share of their hours of vacation entitlement based on the number of full
89 calendar months remaining in the calendar year in which the employe was first hired or
90 in which the employe was rehired, divided by twelve (12) and rounded up to the nearest
91 whole hour, and shall be granted their full vacation entitlement on January 1 of the
92 calendar year after being hired or rehired by the county. Except for represented public

93 safety worker employees, yYears of service for a new ~~non-represented~~ employe, or
94 ~~anon-represented~~ employe returning to service, who was not discharged or
95 involuntarily separated from the county, shall include any ~~creditable~~ pension service
96 earned with Milwaukee County, the State of Wisconsin or any municipality within the
97 State of Wisconsin. An employe shall not receive payment for unused vacation credit
98 upon any termination of employment, including, but not limited to, a retirement, unless
99 the employe has served two thousand eighty (2,080) hours after the employe's initial
100 date of hire or rehire. Effective in 2002 all non-represented employes shall be eligible for
101 five (5) weeks of vacation (two hundred (200) hours) after fifteen (15) years of service
102 and six (6) weeks of vacation (two hundred forty (240) hours) after twenty (20) years of
103 service.

104
105 **Section 2.** The provisions of this ordinance shall become effective upon passage and
106 publication.

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109 srb

110 07/15/16

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