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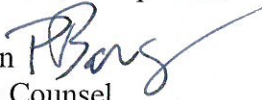
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Date: January 15, 2016

To: Chairman Theodore Lipscomb, Sr.
Finance Chair Willie Johnson Jr.
Finance Chair James Schmitt

cc: Scott B. Manske, Comptroller

From: Paul Bargren 
Corporation Counsel

Re: File 16-76: 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

With support from our Office, the Office of the Comptroller has proposed an Ordinance amendment to codify longstanding County policies on the payout of unused vacation hours to employees separating from County employment. Under decades-long County policy, for example, employees who are terminated or discharged for cause are not entitled to a payout of accrued vacation time.

However, a recent incident brought to light the benefit of codifying these practices rather than relying on the diverse set of ordinances, old Corporation Counsel opinions, rules and procedures that had otherwise governed payouts. A discharged employee brought a wage claim for unused vacation pay. A hearing examiner for the Department of Workforce Development felt that the policy was not clear and awarded the pay. This incident underscored the need to make this and related policies crystal clear in the ordinances.

We also are using this opportunity to remove the limit of 120 hours on accrued overtime payout to an active employee who dies. We believe this limit is now contrary to state law.