File No. 22-1038

From the Director, Office of Strategy, Budget and Performance, requesting authorization to amend Sections 17.17, 17.18, 17.182 and 17.26 of the Milwaukee County Code of General Ordinances relating to vacation accrual and paid sick leave for employees in accordance with the 2023 Recommended Budget, by recommending adoption of the following:

**A RESOLUTION/ORDINANCE**

WHEREAS, various sections of Chapter 17 of the Milwaukee County General Ordinances relate to vacation accrual for Milwaukee County employees; and

WHEREAS, the 2023 Recommended Budget proposes changes to the accrual of vacation for Milwaukee County employees to reduce inequities based on tenure and provide a competitive benefit to attract and retain employees; and

WHEREAS, the vacation accrual would change as follows for most full-time general employees:

|  |  |
| --- | --- |
| **Existing Vacation Policy** | **Proposed Vacation Policy** |
| Years of Service | Vacation Days/Hours | Years of Service | Vacation Days/Hours |
| 1 to less than 5 | 10 Days or 80 Hours | 0 to less than 3 | 15 Days or 120 Hours |
| 5 to less than 10 | 15 Days or 120 Hours | 3 to less than 6 | 18 Days or 144 Hours |
| 10 to less than 15 | 20 Days or 160 Hours | 6 to less than 11 | 21 Days or 168 Hours |
| 15 to less than 20 | 25 Days or 200 Hours | 11 to less than 20 | 25 Days or 200 Hours |
| 20+ | 30 Days or 240 Hours | 20+ | 30 Days or 240 Hours |

; and

 WHEREAS, in addition to paid vacation, most full-time Milwaukee County employees receive three personal days, accrue 3.7 hours of sick time per pay period, and receive a generous allotment of paid holidays; and

WHEREAS, to promote employee wellness, the use of accrued sick time should also be accessible immediately; it currently accrues from the date of hire but may not be used for the first six months of employment; now, therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby amends Sections 17.17, 17.18, 17.182, and 17.26 of the Milwaukee County Code of General Ordinances by adopting the following:

**AN ORDINANCE**

**SECTION 1.** Section 17.17(1)(a) of the General Ordinances of Milwaukee County is hereby stricken and replaced as follows:

~~(1) (a) The heads of all departments, bureaus, institutions, boards or commissions shall make provision for, designate, and allow annual leaves with pay to serve as vacation equivalent to eighty (80) hours for each employe who has completed one (1) year or more of service, unless as otherwise may be provided for by collective bargaining agreements; one hundred twenty (120) hours for each employe who has completed five (5) years or more of service; one hundred sixty (160) hours for each employe who has completed ten (10) years or more of service; two hundred (200) hours for each employe who has completed twenty (20) years or more of service; assistant chiefs of airport rescue and firefighting, employes shall be allowed annual leave with pay to serve as vacation equivalent to one hundred four (104) hours for each employe who has completed one (1) year or more of service; one hundred fifty six (156) hours for each employe who has completed five (5) years or more of service; two hundred eight (208) hours for each employe who has completed ten (10) years or more of service; two hundred sixty (260) hours for each employe who has completed fifteen (15) years or more of service; and three hundred twelve (312) hours for each employe who has completed twenty (20) years or more of service; firefighter and equipment operators, employes paid on an hourly or per diem basis who customarily work less than forty (40) hours per week or two thousand eighty (2,080) hours per annum, employes paid on a per call or clinic hourly basis, and part-time employes paid on a biweekly basis whose services are required less than half-time, unless as otherwise provided for by collective bargaining agreements; firefighter and equipment operators shall be allowed annual leave with pay to serve as vacation as follows: five (5) work days for each employe who has completed one (1) year or more of service, seven (7) work days for each employe who has completed five (5) years or more of service, ten (10) work days for each employe who has completed ten (10) years or more of service, and twelve (12) work days for each employe who has completed twenty (20) years or more of service. During the first year of employment, or in a return to service, an employe will be granted a proportional share of their hours of vacation entitlement based on the number of full calendar months remaining in the calendar year in which the employe was first hired or in which the employe was rehired, divided by twelve (12) and rounded up to the nearest whole hour, and shall be granted their full vacation entitlement on January 1 of the calendar year after being hired or rehired by the county. Except for represented public safety worker employees, years of service for a new employe, or an employe returning to service, who was not discharged or involuntarily separated from the county, shall include any pension service earned with Milwaukee County, the State of Wisconsin or any municipality within the State of Wisconsin. An employe shall not receive payment for unused vacation credit upon any termination of employment, including, but not limited to, a retirement, unless the employe has served two thousand eighty (2,080) hours after the employe's initial date of hire or rehire. Effective in 2002 all non-represented employes shall be eligible for five (5) weeks of vacation (two hundred (200) hours) after fifteen (15) years of service and six (6) weeks of vacation (two hundred forty (240) hours) after twenty (20) years of service.~~

**17.17 Vacations and holidays.**

(1) (a) The heads of all departments, bureaus, institutions, boards or commissions shall make provision for, designate, and allow annual leaves with pay, unless as otherwise provided for by collective bargaining agreements, as shown in the following charts:

|  |
| --- |
| General Employees |
| Years of Service | Vacation Days/Hours |
| 0 to 3 | 15 Days or 120 Hours |
| 3 to 6 | 18 Days or 144 Hours |
| 6 to 11 | 21 Days or 168 Hours |
| 11 to 20 | 25 Days or 200 Hours |
| 20+ | 30 Days or 240 Hours |

|  |
| --- |
| Assistant Fire Chiefs |
| Years of Service | Vacation Hours |
| 0 to 3 | 156 Hours |
| 3 to 6 | 187 Hours |
| 6 to 11 | 218 Hours |
| 11 to 20 | 260 Hours |
| 20+ | 312 Hours |

During the first year of employment, or in a return to service, an employee will be granted a proportional share of their hours of vacation entitlement based on the number of full calendar months remaining in the calendar year in which the employee was first hired or in which the employee was rehired, divided by twelve (12) and rounded up to the nearest whole hour, and shall be granted their full vacation entitlement on January 1 of the calendar year after being hired or rehired by the county. Except for represented public safety worker employees, years of service for a new employee, or an employee returning to service, who was not discharged or involuntarily separated from the county, shall include any pension service earned with Milwaukee County, the State of Wisconsin or any municipality within the State of Wisconsin. An employee shall not receive payment for unused vacation credit upon any termination of employment, including, but not limited to, a retirement, unless the employee has served two thousand eighty (2,080) hours after the employee's initial date of hire or rehire. Unless provided for in an approved collective bargaining agreement, employees shall not receive vacation benefits which differ from the provisions of chapter 17 without the approval of the county board.

**SECTION 2.** Section 17.18(2) of the General Ordinances of Milwaukee County is hereby amended as follows:

(2) Such leave of absence with pay shall accrue and be granted during the first six (6) months of service~~, but shall not be granted until the completion of six (6) months of service, unless injury or disability is incurred in line of duty~~.

**SECTION 3.** Section 17.182(1) of the General Ordinances of Milwaukee County is hereby amended as follows:

17.182. Pro rata benefits.

(1) Any employe employed as a ~~lifeguard III, lifeguard supervisor, or food service operator (~~seasonal~~)~~ who works one thousand forty (1,040) or more hours per calendar year shall accrue vacation, sick leave, and personal days on a pro rata basis. At the end of calendar year 1981 and each year thereafter, such employes who work one thousand forty (1,040) or more hours during calendar year 1981 and each year thereafter shall be credited with accrued accounts based on the number of hours worked in the preceding year. Such account other than sick leave must be exhausted in the calendar year following that in which they were accrued. Such employes shall not be laid off for the purpose of avoiding the accrual of pro rata benefits. Any non seasonal employee who has a scheduled work week of less than 40 hours (part-time) shall accrue vacation, sick leave, and personal days on a pro rata basis.

**SECTION 4.** Section 17.26 of the General Ordinances of Milwaukee County is hereby stricken as follows:

~~17.26. Fringe benefits for incumbents of positions transferred to the unclassified service and for incumbents of unclassified positions.~~

~~(1) The incumbent of any position transferred from the classified service to the unclassified service pursuant to the provisions of s. 63.03(3), Wis. Stats., shall retain, accumulate and be eligible for the same fringe benefits under chapter 17 of the Code, the rules of the civil service commission and the resolutions and ordinances of the county board as any other person holding a position in the classified service, during his/her entire employment with the county whether the position he/she holds is in the classified or unclassified service.~~

~~(2) Persons appointed to all other regular exempt positions except (a) those represented by a certified collective bargaining unit, (b) elected officials and their deputies, (c) all members of boards and commissions and (d) all interns, students and trainees shall earn, accrue and liquidate leave of absence with pay on account of illness or other special causes under the provisions of section 17.18 of the Code.~~

~~(3) Persons appointed to positions in the unclassified service except (a) those represented by a certified collective bargaining unit, (b) elected officials and their deputies, (c) all members of boards and commissions and (d) all interns, students and trainees shall be eligible for the utilization of vacation and holidays in accordance with the provisions of section 17.17 of this Code and personal days in accordance with the provisions of section 17.172 of this Code. However, appointees to unclassified positions included in the executive compensation plan shall be entitled to three (3) weeks of vacation in each calendar year which shall be prorated in the calendar year of appointment, at a rate of ten (10) hours per month, or portion thereof remaining in the calendar year, and shall be eligible for the accrual and use of sick leave upon appointment.~~

~~Appointees to unclassified positions included in the executive compensation plan shall be eligible for four (4) weeks of annual vacation after ten (10) years of county service and five (5) weeks of annual vacation after twenty (20) years of county service. The provisions of this section shall not reduce the vacation entitlement provided to an unclassified employe prior to the adoption of this section. Unclassified employes appointed after adoption of this resolution may receive vacation or other benefits which differ from the provisions of chapter 17 upon adoption of a resolution by the county board.~~

**Section 5.** This ordinance shall be effective beginning January 1, 2023, after passage and publication.