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FROM THE OFFICE OF JOSPEH J. CZARNEZKI
MILWAUKEE COUNTY CLERK
County Ordinance No. 11-11
File No. ORD 11-7

AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Section 17.17 of the General Ordinances of Milwaukee County is amended as follows:

17.17. Vacations and holidays.

(1) 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 employee 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 employee who has completed five (5) years or more of service; one hundred sixty (160) hours for each employee who has completed ten (10) years or more of service; two hundred (200) hours for each employee who has completed twenty (20) years or more of service; firefighter and equipment operators, employees paid on an hourly or per diem basis who customarily work less than forty (40) hours per week or two thousand eighty (2080) hours per annum, employees paid on a per call or clinic hourly basis, and part-time employees 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 employee who has completed one (1) year or more of service, seven (7) work days for each employee who has completed five (5) years or more of service, ten (10) work days for each employee who has completed ten (10) years or more of service, and twelve (12) work days for each employee who has completed twenty (20) years or more of service. During the first year of employment, or in a return to service, an employee may utilize the equivalent of forty (40) hours of vacation after six (6) months of service 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

37 entitlement on January 1 of the calendar year after being hired or rehired by the County. Years
38 of service for a new non-represented employee, or non-represented employee returning to
39 service, who was not discharged or involuntarily separated from the County, shall include any
40 creditable pension service earned with Milwaukee County, the State of Wisconsin or any
41 municipality within the State of Wisconsin. Any employee who returns to employment with
42 Milwaukee County having previously been involuntarily separated from Milwaukee County
43 employment shall not be entitled to any prior service credit for purposes of vacation entitlement.
44 An employee shall not receive payment for unused vacation credit upon any termination of
45 employment, including, but not limited to, a retirement, unless the employee has served 2080
46 hours after the employee's initial date of hire or rehire. Effective in 2002 all non-represented
47 employees shall be eligible for five (5) weeks of vacation (two hundred (200) hours) after fifteen
48 (15) years of service and six (6) weeks of vacation (two hundred forty (240) hours) after twenty
49 (20) years of service.

50

51 (2) Effective January 1, 2013, an employee may not carry over beyond the end of any calendar
52 year any more than seven days (56 hours) of unused vacation leave. Departments may request
53 to carry over hours in excess of 56 hours for any employee by submitting a request to the
54 Director of Human Resources and must include in the request the written rationale for the
55 request, the reason the department limited the use of vacation by the employee, and any other
56 information requested by the Director. The Director shall have discretion to approve or deny
57 such requests. All vacation leave previously credited to the employee in excess of seven days
58 that has not been used prior to the end of the calendar year and that has not been approved by
59 the Director for carry over shall be forfeited.

60

61 (23) The following days of each year are holidays: January 1, the third Monday in
62 February, the last Monday in May, July 4, November 11, the fourth Thursday in
63 November, December 25, the day appointed by the governor as Labor Day, and the day
64 of holding the general election in November, unless as otherwise may be provided for
65 by collective bargaining agreements; county department, offices, and institutions may
66 be closed on these holidays: January 1, the last Monday in May, July 4, the first Monday
67 in September, the fourth Thursday in November, and December 25. Effective in 2002
68 the Friday after the fourth Thursday in November shall be a holiday for non-represented
69 employees and employees who are represented by a collective bargaining unit which
70 has agreed to this provision. All county departments, offices and institutions shall be
71 open to the public for business on all other statutory holidays. All employees, including
72 those in the building and mechanical trades group in section 17.32(2)(c), except
73 employees paid on an hourly or per diem basis and firefighter and equipment operators
74 who receive off days in lieu of holidays, shall be granted leave with pay on these days,
75 provided that if an employee is required to work on such days because of the needs of
76 the service, he shall be given equivalent time off or shall receive additional
77 compensation, if such compensation is authorized by the provisions of subsection
78 17.16(5). Firefighter and equipment operators, who receive seven (7) off days in lieu of

79 all holidays, shall be granted such off days during their first calendar year of
80 employment as provided for in their collective bargaining agreements.

81

82 ~~(34)~~ (a) A holiday falling on a Saturday shall be observed on the preceding scheduled
83 workday and a holiday falling on a Sunday shall be observed on the following scheduled
84 workday, except in the seven-day service where the present system of accruing and
85 exhausting holidays shall remain in effect. This provision shall not apply to employees
86 represented by certified bargaining representation.

87

88 ~~(45)~~ For all employees not represented by certified bargaining unit representatives,
89 beginning in January, 1988 and every year thereafter, the third Monday in January will
90 be observed as a holiday. All county departments, offices, and institutions shall be open
91 to the public for business on this holiday.

92

93 ~~(56)~~ For employees not covered by a collective bargaining agreement, beginning in 1997,
94 employees with an assigned work week of forty (40) hours who use no sick allowance and take no
95 time without pay during the year, shall receive eight (8) hours of holiday time which may be used in
96 the subsequent year. Use of excused time, including excused time used for medical appointments or
97 bereavement leave, shall not be considered as sick allowance under this section.

98

99 **SECTION 2.** Section 17.18 of the General Ordinances of Milwaukee County is amended as
100 follows:

101

102 **17.18. Leave of absence with pay on account of illness or other special causes.**

103

104 (1) All officers and employees who are compensated on a biweekly or annual basis and
105 are required to work half-time or more, and all hourly employees who are customarily
106 employed forty (40) hours in each calendar week, may be given leave of absence with
107 pay for illness or other special causes of three and seven-tenths (3 7/10) hours for each
108 pay period, or a proportionate credit for employees who regularly work less than forty
109 (40) hours per week; provided, however, that such credit shall be cancelled for each pay
110 period in which the employee is absent without pay for more than three-eighths of the
111 required hours except absences due to disability in line of duty or leave for military
112 service. Such leaves of absence with pay shall be granted solely on account of
113 sickness, bodily injury, or other causes of absence which are considered as sufficient
114 and legitimate excuses for the employee's failure to be present and in attendance on his
115 duties; provided, however:

116 (a) That reasons for the absence and the good faith of the employee in taking such leave shall
117 be supported by such reasonable evidence as may be required by the appointing authority
118 including a physician's certificate, personal affidavit, or by other means; and

119 (b) That when the illness of an employee is such as may make it necessary to take leave of
 120 absence of more than three (3) days, a statement shall be made to the appointing authority in
 121 writing from a licensed physician or from an authorized Christian Science practitioner, stating
 122 the period of time the employee was unable to work because of illness.

123
 124 (2) Such leave of absence with pay shall accrue during the first six (6) months of
 125 service, but shall not be granted until the completion of six (6) months of service, unless
 126 injury or disability is incurred in line of duty.

127
 128 (3) Unless otherwise noted in a collective bargaining agreement, unused leave as
 129 provided in subsection (1) of this section shall accumulate on an unlisted basis over the
 130 entire period of an employee's continuous service. Unless otherwise specified in a
 131 collective bargaining agreement, continuous service shall be considered to be any
 132 period of service that has not been interrupted by layoff in excess of two (2) years and
 133 one (1) day or by voluntary or involuntary separation.
 134

135 (4) Paid leave in accordance with the following formula shall be granted to employees
 136 when the employee's presence is required, and if the employee has sufficient accrued
 137 sick leave from which such leave shall be deducted:

138 TABLE INSET:

139

	Critical Illness	Death	Wedding
<i>Immediate family of employee</i>			
<i>Husband, wife, child, brother, sister, parents, or foster parents, stepmother, stepfather, stepbrother, stepsister</i>	3 days	3 days, plus travel	1 day
<i>Wife or husband of members of employee's immediate family</i>			
Son-in-law, daughter-in-law, brother-in-law, sister-in-law	1 day	1 day, plus travel	no provision
<i>Immediate family of spouse</i>			
Brother, sister, parents, or child of employee's spouse	1 day	1 day, plus travel	no provision

<i>Other close relatives</i>				
	Aunt, uncle, first cousin, niece, nephew, grandparent, or grandchild of employee or spouse, great grandparent, grand nephew, grand niece, great aunt, great uncle, ex-husband, ex-wife	No provision	1 day, plus travel	no provision
<i>Other causes for excused time</i>				
	Funeral of fellow worker	1/2 day if approved by department head.		

140

141 It shall not be necessary that such persons shall have resided with the employee to
 142 come within such classification. Not to exceed three (3) days of leave with pay may be allowed
 143 whenever both death and funeral occur in Milwaukee or its vicinity. Whenever either death or
 144 the funeral occurs elsewhere, additional travel time may be allowed as leave with pay as
 145 follows: Up to seventy-five (75) miles--none; between seventy-five (75) to one hundred fifty
 146 (150) miles--one (1) day; over one hundred fifty (150) miles--two (2) days. Reasons for the
 147 absence and the good faith of the employee in taking such leave shall be supported by such
 148 reasonable evidence as may be required by the appointing authority, including a physician's
 149 certificate, personal affidavit or by other means as may be approved by the appointing authority.
 150 Such leave with pay shall be deducted from the accrued sick leave balance of the employee
 151 and shall be subject to the following:

- 152 (a) Where one (1) day is authorized, it must be taken on the day of the funeral, and
- 153 (b) Where more than one (1) day is authorized such days must be consecutive calendar days,
 154 one (1) of which is the day of the funeral, and
- 155 (c) When two (2) travel days are authorized, one (1) day must precede the funeral and one (1)
 156 day must follow the day of the funeral, and
- 157 (d) Scheduled off days shall be considered as part of the total funeral leave allowed when such
 158 off days fall within the authorized leave when such days are considered consecutively.
 159 Scheduled vacation days falling within the bereavement period, may be rescheduled for
 160 liquidation during the remainder of the year.
- 161 (e) Any employee scheduled to work the night shift shall have the option of taking off the night
 162 before or the night of the funeral.

163
 164 (5) In addition to other causes set forth in section 17.18(4), sick leave may be taken for
 165 the purpose of enabling employees to receive nonemergency medical attention during
 166 work hours. Such leave may be allowed for scheduled appointments for any type of
 167 medical or dental care. Excused time charged against sick leave for these purposes

168 shall be limited to three (3) hours per incident including travel between the employees'
169 work site and the place of their appointment. In order to be excused for this type of
170 leave, the employee must present to their immediate supervisor a written notice from
171 the practitioner treating the employee stating the date and time of the employee's
172 appointment. Provisions of (5) shall apply to eligible employees in the classified service.
173

174 (6) Any employee entitled to accrue sick leave under the provisions of this section who is
175 incapacitated by reason of injuries or illness resulting from his/her employment shall be entitled to
176 receive eighty (80) percent of his/her established rate of compensation without deduction from
177 accrued sick leave, when approval for such payment is made by the risk management section of the
178 department of administration. Such payments may continue for a maximum period of one (1) year.
179 After a period of one (1) year, the employee may continue to use any sick leave earned and unused
180 during his/her entire period of service. Any payment made shall be in lieu of any payment or award
181 under the worker's compensation laws of this state, or if an award is made thereunder such
182 payment shall be applied thereon. If the Internal Revenue Service (IRS) determines that the injury
183 pay benefits provided are taxable as wages, then beginning with the effective date of such
184 determination, the county will no longer require the twenty (20) percent employee deduction from
185 injury pay benefits provided for. Risk management will refer all employees receiving compensation
186 under this provision to the return to work program in the department of human resources.

187
188 (7) The director of human resources may make such investigation or require such
189 medical examinations as are warranted to substantiate or verify the employee's illness.
190

191 (8) Employees who have applied for retirement by filing an application with the proper
192 official of the retirement system of which they are members shall be permitted to take
193 any unused leave accumulated under the provisions of this section prior to the effective
194 date of their retirement, not to exceed fifty (50) days plus sixteen (16) hours for each
195 one hundred (100) hours or fraction thereof of accumulated sick leave in excess of four
196 hundred (400) hours. Employees represented by a certified bargaining representative
197 shall not be entitled to retirement leave in excess of thirty (30) days unless the collective
198 bargaining agreement between said representative and the county specifically so
199 provides. Where the needs of the service require the immediate filling of a vacancy
200 resulting from the use of accumulated sick leave by an employee who is retiring, the
201 position may be filled in accordance with the provisions of chapter 17 relating to the
202 filling of vacancies, at any time during the period in which the retiring employee is on
203 leave with pay which extends to the date of his/her retirement.
204

205 (9) All unused leave accrued under the provisions of this section shall be canceled
206 upon the termination of an employee's active employment for any reason other than
207 retirement, in which case the employee shall be eligible for the provisions of 17.184
208 ~~retirement leave under 17.183.~~ Except for former employees ~~Former employes, except~~
209 ~~those~~ those who were discharged after a hearing before the personnel review board or
210 resigned prior to such a hearing for discharge being heard, or those who have received

211 retirement benefits under Chapter 201 or 203, or those who return to active employment
212 more than three years following their previous termination of employment, former
213 employees who return to active employment with Milwaukee County shall ~~have all~~
214 ~~cancelle~~ leave restored receive twenty percent (20%) of such cancelled leave restored
215 upon re-employment and shall have an additional twenty percent (20%) of such
216 cancelled leave restored after every additional six months of service. ~~Retirees who~~
217 ~~received retirement leave under the provisions of 17.183 shall not be eligible for the~~
218 ~~restoration of such leave upon return to active employment.~~ Individuals who are actively
219 employed with Milwaukee County as of the effective date of this section (May 17, 2000)
220 and had such leave canceled upon termination of prior service with Milwaukee County
221 shall have such canceled leave restored under the provisions of this section.

222
223 **SECTION 3.** Section 17.184 of the General Ordinances of Milwaukee County is amended as
224 follows:

225

226 **17.184. Sick allowance balance on retirement.**

227

228 (1) In the event membership in the employees' retirement system began prior to January 1, 1994,
229 the member shall receive accrued sick allowance at the time of retirement. The total payment shall
230 equal the number of total hours of sick pay accrued at the time of retirement times the hourly rate
231 applicable to the valuation of sick pay at the time of the member's retirement, unless the member is
232 an elected official with accrued sick allowance or an employee who is not represented by a
233 collective bargaining unit, in which case the number of total hours shall not exceed the equivalent of
234 fifty (50) days plus sixteen (16) hours for each one hundred (100) hours or fraction thereof of
235 accumulated leave in excess of four hundred (400) hours. Such payment shall be made in a lump
236 sum, and shall not be included in the calculation of the member's final average salary for pension
237 calculation purposes, nor shall such payment impact the member's total pension service credit or
238 the date that retirement benefits will commence. If approved by the Internal Revenue Service, the
239 member shall receive this payment through the employees' retirement system, unless the member
240 is covered by a collective bargaining agreement that requires the county to provide the member
241 with the option of directly receiving this payment immediately upon retirement or receiving the
242 payment through the employees' retirement system. In the event a member of the employees'
243 retirement system who is eligible to retire dies prior to retirement, the full value of the member's
244 accrued sick allowance shall be paid to the member's spouse or the beneficiary of the member's
245 retirement benefit. If an employee who has previously retired from the County returns to County
246 employment, the employee shall not be entitled to any sick leave payment based on their earned
247 sick leave hours after being rehired.

248

249 (2) In the event membership in the employees' retirement system began on or after
250 January 1, 1994, the member shall have the full value of their accrued sick allowance at the time of
251 retirement (total hours accrued times the hourly rate at the time of retirement) credited toward the
252 cost of health insurance after retirement, unless the member is an elected official with accrued sick
253 allowance or an employee who is not represented by a collective bargaining unit, in which case the
254 number of total hours shall not exceed the equivalent of fifty (50) days plus sixteen (16) hours for
255 each one hundred (100) hours or fraction thereof of accumulated leave in excess of four hundred
256 (400) hours. Such health insurance coverage must commence within ten years of the member's
257 retirement. When the amount credited is exhausted, the employee or eligible beneficiary may opt
258 to continue their membership in the County Group Health Benefit Program upon payment of the full
259 monthly cost as noted in 17.14(7) CGO. In the event a member of the employees' retirement system
260 who is eligible to retire dies prior to retirement, the full value of the member's accrued sick
261 allowance shall be credited toward the cost of continuing health insurance coverage for the
262 member's spouse or beneficiary of the member's retirement benefit if such spouse or beneficiary
263 was eligible for coverage prior to the member's death. If an employee who has previously retired
264 from the County returns to County employment, the employee shall not be entitled to any sick leave
265 credit toward the cost of health plan coverage based on their earned sick leave hours after being
266 rehired.

267

268 (3) For the purpose of calculating either the sick allowance payment under subsection
269 (1) above or the sick allowance value under subsection (2) above, the value of any such
270 leave credited to the employee prior to January 1, 2012, that is not utilized by the
271 employee thereafter, and that therefore remains credited to the employee at the time of
272 the employee's retirement, shall be calculated based on employee's base hourly wage
273 rate at the time of the employee's retirement. However, notwithstanding any provision in
274 those subsections to the contrary, the hourly rate used to calculate the value of all sick
275 allowance that is accrued by the employee on and after January 1, 2012 shall be based
276 on the amount that the employee's final average salary would be under the provisions of
277 section 201.24(2.8), not including the first sentence of subsection (b), of the
278 Ordinances, if it were based solely on straight time hours paid, divided by 2080.

279

280

281

Adopted by the Milwaukee County Board of Supervisors

282

July 28, 2011