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2 **FROM THE OFFICE OF JOSPEH J. CZARNEZKI**

3 **MILWAUKEE COUNTY CLERK**

4 **County Ordinance No. 12-1**

5 **File No. ORD 11-20**

6
7 **AN AMENDED ORDINANCE**

8
9 The County Board of Supervisors of the County of Milwaukee does ordain
10 as follows:

11
12 **Section 1.** Section 17.18(1) of the General Ordinances of Milwaukee County is
13 amended as follows:

14
15 **17.18. Leave of absence with pay on account of illness or other special**
16 **causes.**

17 (1) All officers and employees who are compensated on a biweekly or
18 annual basis and are required to work half-time or more, and all hourly
19 employees who are customarily employed forty (40) hours in each calendar
20 week, may be given leave of absence with pay for illness or other special
21 causes of three and seven-tenths (37/10) hours for each pay period, or a
22 proportionate credit for employees who regularly work less than forty (40) hours
23 per week; provided, however, that such credit shall be cancelled for each pay
24 period in which the employee is absent without pay for more than three-eighths
25 of the required hours except absences due to disability in the line of duty or
26 leave for military service. Such leaves of absence with pay shall be granted
27 solely on account of sickness, bodily injury, or other causes of absence which
28 are considered as sufficient and legitimate excuses for the employee's failure to
29 be present and in attendance on his duties; provided, however:

30
31 (a) That reasons for the absence and the good faith of the employee
32 in taking such leave shall be supported by such reasonable evidence as
33 may be required by the appointing authority including a physician's
34 certificate, personal affidavit, or by other means; and

35
36 (b) That when the illness of an employee is such as may make it
37 necessary to take leave of absence of more than three (3) days, a
38 statement shall be made to the appointing authority in writing from a

39 licensed physician or from an authorized Christian Scientist practitioner,
40 stating the period of time the employee was unable to work because of
41 illness.

42
43 Effective ~~June 24~~ February 2, 2012, employees who are members of the
44 American Federation of State, County and Municipal Employees, the
45 Association of Milwaukee County Attorneys, the Milwaukee Building and
46 Construction Trades Council, the International Association of Machinists and
47 Aerospace Workers or the Technicians, Engineers and Architects of Milwaukee
48 County shall be subject to the provisions of section 17.18 for leave earned
49 hereunder. Effective January 1, 2013, employees who are members of the
50 Federation of Nurses and Health Professionals shall be subject to the
51 provisions of section 17.18 for leave earned hereunder.

52
53 **Section 2.** Section 17.18(8) of the General Ordinances of Milwaukee County is
54 repealed and Section 17.18(9) is re-numbered as 17.18(8) and amended as
55 follows:

56

57 **17.18. Leave of absence with pay on account of illness or other special**
58 **causes.**

59 ~~(8) Employees who have applied for retirement by filing an application with~~
60 ~~the proper official of the retirement system of which they are members shall be~~
61 ~~permitted to take any unused leave accumulated under the provisions of this~~
62 ~~section prior to the effective date of their retirement, not to exceed fifty (50) days~~
63 ~~plus sixteen (16) hours for each one hundred (100) hours or fraction thereof of~~
64 ~~accumulated sick leave in excess of four hundred (400) hours. Employees~~
65 ~~represented by a certified bargaining representative shall not be entitled to~~
66 ~~retirement leave in excess of thirty (30) days unless the collective bargaining~~
67 ~~agreement between said representative and the county specifically so provides.~~
68 ~~Where the needs of the service require the immediate filling of a vacancy~~
69 ~~resulting from the use of accumulated sick leave by an employee who is retiring,~~
70 ~~the position may be filled in accordance with the provisions of chapter 17 relating~~
71 ~~to the filling of vacancies, at any time during the period in which the retiring~~
72 ~~employee is on leave with pay which extends to the date of his/her retirement.~~

73

74 (98) All unused leave accrued under the provisions of this section shall be
75 canceled upon the termination of an employee's active employment for any
76 reason other than retirement, in which case the employee shall be eligible for the
77 provisions of 17.184. Except for former employees who were discharged after a
78 hearing before the personnel review board or resigned prior to such a hearing for
79 discharge being heard, or those who have received retirement benefits under
80 Chapter 201 or 203, or those who return to active employment more than three
81 years following their previous termination of employment, former employees who

82 return to active employment with Milwaukee County shall receive twenty percent
83 (20%) of such cancelled leave restored upon re-employment and shall have an
84 additional twenty percent (20%) of such cancelled leave restored after every
85 additional six months of service, except that the total leave restored shall not
86 exceed 960 hours. Individuals who are actively employed with Milwaukee County
87 as of the effective date of this section (May 17, 2000) and had such leave
88 canceled upon termination of prior service with Milwaukee County shall have
89 such canceled leave restored under the provisions of this section.

90
91 **Section 3.** Section 17.18(9) and (10) of the General Ordinances of Milwaukee
92 County are created as follows:

93
94 **17.18. Leave of absence with pay on account of illness or other special**
95 **causes.**

96 (9) Notwithstanding any provision in this section to the contrary, effective
97 June 24, 2012, an employee who is not a member of a collective bargaining unit,
98 or an employee who is a member of the American Federation of State, County
99 and Municipal Employees, the Association of Milwaukee County Attorneys, the
100 Milwaukee Building and Construction Trades Council, the International
101 Association of Machinists and Aerospace Workers or the Technicians, Engineers
102 and Architects of Milwaukee County, shall not accrue more than 960 hours of
103 leave under this section.

104
105 (a) Such employees whose accrual balance under this section is less
106 than 960 hours as of June 24, 2012, or at any future date, shall continue
107 to accrue leave under this section until such time that their leave balance
108 equals 960 hours. The further accrual of leave shall be suspended until
109 such time that the employee's total accrued leave is less than 960 hours,
110 due to the use of such leave under this section.

111
112 (b) Such employees who have accrued more than 960 hours of leave
113 as of June 24, 2012, shall be entitled to retain and utilize such leave, but
114 they shall not accrue any further leave, under this section, until such time
115 as their accrued leave is less than 960 hours, as a result of use of such
116 leave, at which time such employees may again accrue additional leave
117 up to a maximum of 960 hours. Sick leave earned prior to June 24, 2012,
118 shall be used prior to sick leave earned on and after June 24, 2012, for all
119 hours of sick leave used prior to retirement.

120
121 (10) Notwithstanding any provision in this section to the contrary, effective
122 January 1, 2013, an employee who is a member of the Federation of Nurses and
123 Health Professionals shall not accrue more than 960 hours of leave under this
124 section.

125

126 (a) Such employees whose accrual balance under this section is less
127 than 960 hours as of January 1, 2013, or at any future date, shall continue
128 to accrue leave under this section until such time that their leave balance
129 equals 960 hours. The further accrual of leave shall be suspended until
130 such time that the employee's total accrued leave is less than 960 hours,
131 due to the use of such leave under this section.

132
133 (b) Such employees who have accrued more than 960 hours of leave
134 as of January 1, 2013, shall be entitled to retain and utilize such leave, but
135 they shall not accrue any further leave, under this section, until such time
136 as their accrued leave is less than 960 hours, as a result of use of such
137 leave. Such employees who have accrued more than 960 hours of leave
138 as of January 1, 2013, shall be entitled to retain and utilize such leave, but
139 they shall not accrue any further leave under this section until such time
140 as their accrued leave is less than 960 hours as a result of use of such
141 leave, at which time such employees may again accrue additional leave
142 up to a maximum of 960 hours. Sick leave earned prior to January 1,
143 2013, shall be used prior to sick leave earned on and after January 1,
144 2013, for all hours of sick leave used prior to retirement.

145
146 **Section 4.** Section 17.183 of the General Ordinances of Milwaukee County is
147 repealed:

148
149 **17.183 – Retirement Leave**

150 ~~(1) Effective January 1, 2001, the provisions of this section shall apply only to~~
151 ~~those employees who applied for retirement prior to January 1, 2001 and are~~
152 ~~being paid for retirement leave or other accrued time as of January 1, 2001. After~~
153 ~~January 1, 2001 the provisions of this section shall also apply to members of~~
154 ~~those collective bargaining units which continue to have this section incorporated~~
155 ~~in a collective bargaining agreement. Upon application for retirement, an~~
156 ~~employee eligible for leave of absence with pay on account of illness or other~~
157 ~~special causes under 17.18(1) may continue on the payroll until the employees~~
158 ~~total retirement leave is liquidated, or may opt to receive a lump sum with the~~
159 ~~next payroll, the retirement leave benefits to which the employee is entitled under~~
160 ~~the provisions of section 17.18, unless otherwise provided by collective~~
161 ~~bargaining agreement. Regardless of the option selected by the employee,~~
162 ~~payment of county pension and annuity benefits shall be postponed until the total~~
163 ~~number of retirement leave days, for which the employee has been paid have~~
164 ~~expired; no employee shall accrue additional benefits during such period.~~
165 ~~Retirement leave payment shall be calculated at the rate of pay in effect for the~~
166 ~~employee on the employee's last day of work.~~

167
168 **Section 5.** Section 17.184 of the General Ordinances of Milwaukee County is
169 repealed and recreated as follows:

170

171 **17.184. Sick allowance balance on retirement.**

172 (1) For members set forth in the following subsections, whose membership in
173 the employees' retirement system began prior to January 1, 1994, the
174 member shall receive payment at the time of retirement for unused sick
175 allowance according to the following formulas. Such payment shall be made
176 in a lump sum, and shall not be included in the calculation of the member's
177 final average salary for pension calculation purposes, nor shall such payment
178 impact the member's total pension service credit or the date that retirement
179 benefits will commence. In the event a member of the employees' retirement
180 system who is eligible to retire dies prior to retirement, the payment of the
181 member's accrued sick allowance shall be made to the member's spouse or
182 the beneficiary of the member's retirement benefit. If an employee who has
183 previously retired from the County returns to County employment, the
184 employee shall not be entitled to any sick leave payment based on their
185 earned sick leave hours after being rehired. This section shall not apply to a
186 member who retires under section 201.24(4.5) of the ordinances.

187

188 (a) For a member who was a non-represented employee **on January**
189 **30, 2012** at the time of retirement, the payment shall equal four hundred
190 (400) hours plus sixteen (16) hours for each one hundred (100) hours or
191 fraction thereof in excess of four hundred (400) hours of unused sick
192 allowance earned prior to June 24, 2012, times the hourly rate applicable
193 to the valuation of sick pay at the time of the member's retirement. For the
194 purpose of this calculation, sick leave hours used during employment on
195 or after June 24, 2012, shall be deemed utilized in the order in which the
196 sick leave hours were earned; that is, on a "first in, first out" basis. No
197 payment shall be made at the time of retirement for any unused sick leave
198 hours earned, on or after June 24, 2012, or restored under section
199 17.18(8), on or after June 24, 2012.

200

201 (b) For a member who was represented **on January 30, 2012** at the
202 time of retirement by District Council 48 of AFSCME, the member shall
203 receive full payment of unused hours earned prior to February 1, 2007,
204 and shall receive payment of twenty-five percent (25%) of unused hours
205 earned on and after February 1, 2007, and prior to June 24, 2012, times
206 the hourly rate applicable to the valuation of sick pay at the time of the
207 member's retirement. For the purpose of this calculation, sick leave hours

208 used during employment on or after June 24, 2012, shall be deemed
209 utilized in the order in which the sick leave hours were earned; that is, on
210 a "first in, first out" basis. No payment shall be made at the time of
211 retirement for any unused sick leave hours earned, on or after June 24,
212 2012, or restored under section 17.18(8), on or after June 24, 2012.

213

214 (c) For a member who was represented **on January 30, 2012** at the
215 time of retirement by the Technicians, Engineers and Architects of
216 Milwaukee County or by the International Association of Machinists, the
217 member shall receive full payment unused hours earned prior to
218 November 4, 2005, and shall receive payment of twenty-five percent
219 (25%) of unused hours earned on and after November 4, 2005, and prior
220 to June 24, 2012, times the hourly rate applicable to the valuation of sick
221 pay at the time of the member's retirement. For the purpose of this
222 calculation, sick leave hours used during employment on or after June 24,
223 2012, shall be deemed utilized in the order in which the sick leave hours
224 were earned; that is, on a "first in, first out" basis. No payment shall be
225 made at the time of retirement for any unused sick leave hours earned, on
226 or after June 24, 2012, or restored under section 17.18(8), on or after
227 June 24, 2012.

228

229 (2) For a member who was represented **on January 30, 2012** at the time of
230 retirement by the Milwaukee Building and Construction Trades Council, the
231 member shall receive full payment unused hours earned prior to February 21,
232 2006, and shall receive payment of twenty-five percent (25%) of unused
233 hours earned on and after February 21, 2006, and prior to June 24, 2012,
234 times the hourly rate applicable to the valuation of sick pay at the time of the
235 member's retirement. For the purpose of this calculation, sick leave hours
236 used during employment on or after June 24, 2012, shall be deemed utilized
237 in the order in which the sick leave hours were earned; that is, on a "first in,
238 first out" basis. No payment shall be made at the time of retirement for any
239 unused sick leave hours earned, on or after June 24, 2012, or restored under
240 section 17.18(8), on or after June 24, 2012. Such payment shall be made in
241 a lump sum, and shall not be included in the calculation of the member's final
242 average salary for pension calculation purposes, nor shall such payment
243 impact the member's total pension service credit or the date that retirement
244 benefits will commence. In the event a member of the employees' retirement
245 system who is eligible to retire dies prior to retirement, the payment of the
246 member's accrued sick allowance shall be made to the member's spouse or

247 the beneficiary of the member's retirement benefit. If an employee who has
248 previously retired from the County returns to County employment, the
249 employee shall not be entitled to any sick leave payment based on their
250 earned sick leave hours after being rehired. This section shall not apply to a
251 member who retires under section 201.24(4.5) of the ordinances.

252

253 (3) For a member who was represented **on January 30, 2012** at the time of
254 retirement by the Association of Milwaukee County Attorneys, and whose
255 membership in the employees' retirement system began prior to January 1,
256 2006, the member shall receive full payment at the time of retirement of any
257 unused hours earned prior to November 4, 2005, and shall receive payment
258 of twenty-five percent (25%) of unused hours earned on and after November
259 4, 2005, and prior to June 24, 2012, times the hourly rate applicable to the
260 valuation of sick pay at the time of the member's retirement. For the purpose
261 of this calculation, sick leave hours used during employment on or after June
262 24, 2012, shall be deemed utilized in the order in which the sick leave hours
263 were earned; that is, on a "first in, first out" basis. No payment shall be made
264 at the time of retirement for any unused sick leave hours earned, on or after
265 June 24, 2012, or restored under section 17.18(8), on or after June 24, 2012.
266 Such payment shall be made in a lump sum, and shall not be included in the
267 calculation of the member's final average salary for pension calculation
268 purposes, nor shall such payment impact the member's total pension service
269 credit or the date that retirement benefits will commence. In the event a
270 member of the employees' retirement system who is eligible to retire dies
271 prior to retirement, the payment of the member's accrued sick allowance shall
272 be made to the member's spouse or the beneficiary of the member's
273 retirement benefit. If an employee who has previously retired from the County
274 returns to County employment, the employee shall not be entitled to any sick
275 leave payment based on their earned sick leave hours after being rehired.
276 This section shall not apply to a member who retires under section
277 201.24(4.5) of the ordinances.

278

279 (4) For a member who was represented **on January 30, 2012** at the time of
280 retirement by the Federation of Nurses and Health Professionals, and whose
281 membership in the employees' retirement system began prior to September
282 27, 1995, the member shall receive full payment at the time of retirement of
283 unused hours earned prior to December 16, 2005, and shall receive payment
284 of twenty-five percent (25%) of unused hours earned on and after December
285 16, 2005, and prior to January 1, 2013, times the hourly rate applicable to the

286 valuation of sick pay at the time of the member's retirement. For the purpose
287 of this calculation, sick leave hours used during employment on or after
288 January 1, 2013, shall be deemed utilized in the order in which the sick leave
289 hours were earned; that is, on a "first in, first out" basis. No payment shall be
290 made at the time of retirement for any unused sick leave hours earned, on or
291 after January 1, 2013, or restored under section 17.18(8), on or after January
292 1, 2013. Such payment shall be made in a lump sum, and shall not be
293 included in the calculation of the member's final average salary for pension
294 calculation purposes, nor shall such payment impact the member's total
295 pension service credit or the date that retirement benefits will commence. In
296 the event a member of the employees' retirement system who is eligible to
297 retire dies prior to retirement, the payment of the member's accrued sick
298 allowance shall be made to the member's spouse or the beneficiary of the
299 member's retirement benefit. If an employee who has previously retired from
300 the County returns to County employment, the employee shall not be entitled
301 to any sick leave payment based on their earned sick leave hours after being
302 rehired. This section shall not apply to a member who retires under section
303 201.24(4.5) of the ordinances.

304

305 (5) For members set forth in the following subsections, whose membership in
306 the employees' retirement system began on or after January 1, 1994, the
307 member shall receive credit for unused sick allowance at the time of
308 retirement towards the cost of health plan coverage according to the following
309 formulas. Such health insurance coverage must commence within ten years
310 of the member's retirement. When the amount credited is exhausted, the
311 employee or eligible beneficiary may opt to continue their membership in the
312 County Group Health Benefit Program upon payment of the full monthly cost
313 as noted in 17.14(7) CGO. In the event a member of the employees'
314 retirement system who is eligible to retire dies prior to retirement, a credit of
315 the member's accrued sick allowance shall be provided toward the cost of
316 continuing health insurance coverage for the member's spouse or beneficiary
317 of the member's retirement benefit if such spouse or beneficiary was eligible
318 for coverage prior to the member's death. If an employee who has previously
319 retired from the County returns to County employment, the employee shall not
320 be entitled to any sick leave credit toward the cost of health plan coverage
321 based on their earned sick leave hours after being rehired. This section shall
322 not apply to a member who retires under section 201.24(4.5) of the
323 ordinances.

324

325 (a) For a member who was a non-represented employee or an elected
326 official with a sick allowance balance **on January 30, 2012** at the time of
327 retirement, the credit shall equal four hundred (400) hours plus sixteen
328 (16) hours for each one hundred (100) hours or fraction thereof in excess
329 of four hundred (400) hours of unused sick allowance earned prior to June
330 24, 2012, times the hourly rate applicable to the valuation of sick
331 allowance at the time of the member's retirement. No credit shall be given
332 at the time of retirement for any unused sick leave hours earned, on or
333 after June 24, 2012, or restored under section 17.18(8), on or after June
334 24, 2012.

335

336 (b) For a member who was represented **on January 30, 2012** at the
337 time of retirement by District Council 48 of AFSCME, the member shall
338 receive credit equal to one hundred percent (100%) of unused hours
339 earned prior to June 24, 2012, times the hourly rate applicable to the
340 valuation of sick allowance at the time of the member's retirement. No
341 credit shall be given at the time of retirement for any unused sick leave
342 hours earned, on or after June 24, 2012, or restored under section
343 17.18(8), on or after June 24, 2012.

344

345 (c) For a member who was represented **on January 30, 2012** at the
346 time of retirement by the Technicians, Engineers and Architects of
347 Milwaukee County or by the International Association of Machinists, the
348 member shall receive credit equal to one hundred percent (100%) of
349 unused hours earned prior to June 24, 2012, times the hourly rate
350 applicable to the valuation of sick allowance at the time of the member's
351 retirement. No credit shall be given at the time of retirement for any
352 unused sick leave hours earned, on or after June 24, 2012, or restored
353 under section 17.18(8), on or after June 24, 2012.

354

355 (6) For a member who was represented **on January 30, 2012** at the time of
356 retirement by the Association of Milwaukee County Attorneys, and whose
357 membership in the employees' retirement system began on or after January
358 1, 2006, the member shall receive credit equal to one hundred percent
359 (100%) of unused hours earned prior to June 24, 2012, times the hourly rate
360 applicable to the valuation of sick allowance at the time of the member's
361 retirement. No credit shall be given at the time of retirement for any unused
362 sick leave hours earned, on or after June 24, 2012, or restored under section

363 17.18(8), on or after June 24, 2012. Such health insurance coverage must
364 commence within ten years of the member's retirement. When the amount
365 credited is exhausted, the employee or eligible beneficiary may opt to
366 continue their membership in the County Group Health Benefit Program upon
367 payment of the full monthly cost as noted in 17.14(7) CGO. In the event a
368 member of the employees' retirement system who is eligible to retire dies
369 prior to retirement, a credit of the member's accrued sick allowance shall be
370 provided toward the cost of continuing health insurance coverage for the
371 member's spouse or beneficiary of the member's retirement benefit if such
372 spouse or beneficiary was eligible for coverage prior to the member's death. If
373 an employee who has previously retired from the County returns to County
374 employment, the employee shall not be entitled to any sick leave credit
375 toward the cost of health plan coverage based on their earned sick leave
376 hours after being rehired. This section shall not apply to a member who
377 retires under section 201.24(4.5) of the ordinances.

378

379 (7) For a member who was represented **on January 30, 2012** at the time of
380 retirement by the Federation of Nurses and Health Professionals, and whose
381 membership in the employees' retirement system began on or after
382 September 27, 1995, the member shall receive credit equal to one hundred
383 percent (100%) of unused hours earned prior to January 1, 2013, times the
384 hourly rate applicable to the valuation of sick allowance at the time of the
385 member's retirement. No credit shall be given at the time of retirement for
386 any unused hours earned, or restored under section 17.18(8), on or after
387 January 1, 2013. Such health insurance coverage must commence within ten
388 years of the member's retirement. When the amount credited is exhausted,
389 the employee or eligible beneficiary may opt to continue their membership in
390 the County Group Health Benefit Program upon payment of the full monthly
391 cost as noted in 17.14(7) CGO. In the event a member of the employees'
392 retirement system who is eligible to retire dies prior to retirement, a credit of
393 the member's accrued sick allowance shall be provided toward the cost of
394 continuing health insurance coverage for the member's spouse or beneficiary
395 of the member's retirement benefit if such spouse or beneficiary was eligible
396 for coverage prior to the member's death. If an employee who has previously
397 retired from the County returns to County employment, the employee shall not
398 be entitled to any sick leave credit toward the cost of health plan coverage
399 based on their earned sick leave hours after being rehired. This section shall
400 not apply to a member who retires under section 201.24(4.5) of the
401 ordinances.

402

403 **Section 6.** Section 17.18(3) is amended as follows:

404

405 (3) Unless otherwise noted in a collective bargaining agreement, unused
406 leave as provided in (1) of this section shall accumulate, subject to (9) and (10) of
407 this section, ~~on an unlimited basis~~ over the entire period of an employee's
408 continuous service. Unless otherwise specified in a collective bargaining
409 agreement, continuous service shall be considered to be any period of service
410 that has not been interrupted by layoff in excess of two (2) years and one day or
411 by voluntary or involuntary separation.

412 **Section 7.** This ordinance shall be effective upon passage and publication.

413

414 **Adopted by the Milwaukee County Board of Supervisors**

415

February 2, 2012

416