By Supervisor Alexander File No. 16-305

**A RESOLUTION/ORDINANCE**

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

WHEREAS, on March 21, 1996 the County Board of Supervisors amended the vacation benefit ordinance (File No. 96-270) to provide that years of creditable pension service earned by a 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; now, therefore,

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

# AN ORDINANCE

To amend section 17.17(1) of the General Ordinances of Milwaukee County as appropriate to clarify the service credit granted to employees for other Wisconsin governmental employment for purposes of vacation benefits with Milwaukee County.

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

**Section 1**. Section 17.17(1) is amended to read 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 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, y~~Y~~ears of service for a new ~~non-represented~~ employe, or an~~non-represented~~ employe returning to service, who was not discharged or involuntarily separated from the county, shall include any ~~creditable~~ 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.

**Section 2**. The provisions of this ordinance shall be effective upon passage and publication.