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From the Milwaukee County Comptroller, Office of the Comptroller, and the Department of Human Resources, requesting authorization to amend various sections of Chapter 17 of the Milwaukee County Code of General Ordinances to provide clarification and standardize various pay adjustments for employees formerly represented by the American Federation of State, County, and Municipal Employees, District Council 48, the International Association of Machinists and Aerospace Workers, and for employees represented by non-public safety worker collective bargaining units, as well as non-represented employees, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, Milwaukee County (the County) is in the process of transitioning its fiscal and human resource platforms into one, cohesive Enterprise Resource Planning platform (ERP); and

WHEREAS, with the exception of the Milwaukee County Deputy Sheriffs Association and the International Association of Firefighters, under current Wisconsin State Statute, collective bargaining agreements relate only to base wages, and all non-base wage terms are non-negotiable; and

WHEREAS, after the enactment of 2011 Wisconsin Act 10, Section 17.015 of the Milwaukee County General Ordinances was created and adopted to preserve a status quo condition for some contract terms, including differing amounts for various pay adjustments, in the County’s various collective bargaining agreements; and

WHEREAS, as much as appropriate, the County should adopt pay adjustments that treat all County employees as equally as possible under one uniform set of rules, policies, and ordinances; and

WHEREAS, the Committee on Personnel, at its meeting of April 11, 2019, recommended adoption of File No. 19-391 (vote 4-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends various sections of Chapter 17 of the Milwaukee County Code of General Ordinances to provide clarification and standardize various pay adjustments for all employees, except those represented by the Milwaukee County Deputy Sheriffs Association, and the International Association of Firefighters, by adopting the following:

41
42 **AN ORDINANCE**
43

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

46
47 **Section 1.** Section 17.14(6) is hereby amended as follows:

48
49 (6) *Extra payment for shift and weekend assignment.*

50
51 (a) Employees who are not exempt from the Fair Labor Standards Act, except
52 hourly, seasonal and intern employees and employees represented by the
53 Federation of Nurses and Health Professionals, in the classified service,
54 including those in the building and mechanical trades group in section
55 17.32(2)(c), except part time and seasonal employees, employees paid on an
56 hourly or per call basis. E, employees in title codes 347, 352, 352.6, 353, 356,
57 357, 358, 359, 360, 361.2, 361.5, 361.7, 362.1, 371.5, 372, 375, 376, 377, 378,
58 615, 616, 617, 618, 618.1, 642, 642.1, and 742, employees in the executive
59 compensation plan and employees in pay range 30M or above, shall receive a
60 shift differential of ~~thirty five cents (\$0.35)~~ forty cents (\$0.40) per hour for all
61 hours worked during shifts beginning at or after 2:30 p.m. and ending at or before
62 7:15 a.m., unless otherwise as may be provided for in collective bargaining unit
63 agreements. Any nonrepresented supervisory nursing or laboratory employee who
64 supervises employees represented by the Federation of Nurses and Health
65 Professionals, shall receive the same extra payment for shift assignment as do
66 employees covered by the Federation of Nurses and Health Professionals
67 collective bargaining agreement. Employees, whose shifts do not begin or end as
68 indicated above are to be paid ~~thirty five cents (\$0.35)~~ forty cents (\$0.40) per
69 hour for all hours worked between 6:00 p.m. and 7:00 a.m. However, no shift
70 differential payment shall be made for any fraction less than ~~one-half~~ one-tenth
71 (1/10) hour worked, and said ~~thirty five cents (\$0.35)~~ forty cents (\$0.40) per hour
72 shall not be considered as part of the salary for purposes of computing vacation,
73 sick leave or holiday rates of pay. Shift differential shall be paid at forty cents
74 (\$0.40) per hour even when hours qualify for overtime compensation.

75
76 (b) Employees represented by the Federation of Nurses and Health Professionals
77 shall receive a shift differential of two dollars and fifty cents (\$2.50) per hour for
78 all hours worked during shifts beginning between 1:30 p.m. and 11:00 p.m.
79 provided employees whose shifts do not begin as indicated above shall be paid
80 two dollars and fifty cents (\$2.50) per hour for all hours worked between 6:00
81 p.m. and 11:00 p.m. Employees shall receive three dollars and fifty cents (\$3.50)
82 per hour for all hours worked between 11:00 p.m. and 7:00 a.m. Employees
83 shall be paid a weekend differential of one dollar (\$1.00) per hour for all hours
84 worked during shifts beginning at or after 6:30 a.m. Saturday and ending at or
85 before 7:15 a.m. Monday. Weekend differential shall be paid at this rate even
86 when hours qualify for overtime compensation. Any nonrepresented supervisory

87 nursing or laboratory employee who supervises employees represented by the
88 Federation of Nurses and Health Professionals, shall receive the same extra
89 payment for shift assignment as do members of the Federation of Nurses and
90 Health Professionals.

91
92 **Section 2.** Section 17.165 is hereby renumbered as Section 17.14(6)(c) and amended
93 as follows:

94
95 17.14(6)(c) Weekend differential.—Employees not exempt from the Fair Labor Standards
96 Act, except seasonal, intern, employees paid on an on-call basis and employees
97 represented by the Federation of Nurses and Health Professionals in the classified
98 service, including those in the building and mechanical trades group in section
99 17.32(2)(c), except part-time and seasonal employees, employees paid on an hourly or
100 per call basis, other than registered nurses paid on an hourly or part-time basis, senior
101 citizen program instructors, and employees in title codes 347, 352, 352.6, 353, 356, 357,
102 358, 359, 360, 361.2, 361.5, 361.7, 362.1, 371.5, 372, 375, 376, 377, 378, 615, 616,
103 617, 618, 618.1, 642, 642.1 and 742, shall be paid a weekend differential of thirty-five
104 cents (\$0.35) forty cents (\$0.40) per hour or as otherwise may be provided for by
105 collective bargaining agreements for all hours worked between 6:30 a.m. Saturday and
106 ending at or before 7:15 a.m. Monday, or as otherwise provided for by collective
107 bargaining agreements. This weekend differential shall not be applicable to employees in
108 the executive compensation plan or to employees in pay range 30 or above except those
109 who are covered by weekend differential in a labor agreement. Weekend differential,
110 when earned, shall not be added to the employee's regular rate for purposes of
111 determining vacation, sick leave, or holiday rates of pay. Weekend shift differential shall
112 be paid at \$0.40 per hour even when hours qualify for overtime compensation.

113
114 **Section 3.** Section 17.14(19) is hereby amended as follows:

115
116 (19) *Standby pay.*

117
118 (a) The district attorney's chief investigator and investigators shall be paid standby
119 pay equal to the amount paid to deputy sheriffs.

120
121 (b) ~~Non-represented non-exempt employees in the information management services~~
122 ~~division shall be paid standby pay of \$0.60 per hour for all hours scheduled on~~
123 ~~standby duty. Non-represented exempt~~ Employees exempt from the Fair Labor
124 Standards Act in the information management services division shall be paid a
125 daily rate of \$10.00 when scheduled on standby duty.

126
127 (c) Employees not exempt from the Fair Labor Standards Act, except hourly,
128 seasonal, intern, Machinest, Machinest Lead and employees represented by the
129 Federation of Nurses and Health Professionals, shall receive sixty cents (\$0.60)
130 per hour for all hours scheduled on standby duty. For purposes of this section,
131 "standby" shall mean the employee, at the direction of the employer, is required
132 to be available for work upon notice during a specified period of time. Standby

133 shall not apply to any employee or group of employees who, as part of their
134 regular duty assignment are expected, but not required, to be available for work
135 at all times in emergency situations. Failure of the employee to respond when
136 called shall be cause for forfeiture of standby pay and disciplinary action where
137 the employee is unable to furnish acceptable justification for his/her failure to
138 respond.

139
140 (d) Machinest and Machinest Lead employees shall receive two dollars (\$2.00) per
141 hour for all hours worked during their regular schedule when assigned to carry a
142 Radio Pager during non-duty hours.

143
144 (e) Employees represented by the Federation of Nurses and Health Professionals,
145 except seasonal, hourly and interns, shall be eligible for standby pay at the rate
146 of one dollar and twenty-five cents (\$1.25) per hour for all hours scheduled on
147 standby duty. For purposes of this section, "standby" shall mean the employee,
148 at the direction of the employer, is required to be available for work upon notice
149 during a specified period of time. Standby shall not apply to any employee or
150 group of employees who, as part of their regular duty assignment are expected,
151 but not required, to be available for work at all times in emergency situations.
152 Failure of the employee to respond when called shall be cause for forfeiture of
153 standby pay and disciplinary action where the employee is unable to furnish
154 acceptable justification for his/her failure to respond.

155
156 **Section 4.** Section 17.14(21) is hereby created as follows:

157
158 (21) Call-in pay. Employees, who are not exempt from the Fair Labor Standards Act
159 (except hourly, seasonal, and interns), and who are called in to work outside of the
160 employee's regularly scheduled shift shall be paid a minimum of four (4) hours pay at
161 the regular rate for work in one session and additional pay at the overtime rate when
162 such hours exceed 40 hours worked in the week. Call-in pay shall not apply to hours
163 worked outside of an employee's regularly scheduled shift where the regular shift
164 starting time is modified to meet emergency situations.

165
166 **Section 5.** Section 17.14(22) is hereby created as follows:

167
168 (22) Special Pay Adjustments.

169
170 (a) Rollback and wrecker equipment operators. Employees operating rollback and
171 wrecker equipment shall receive a differential of fifty cents (\$0.50) per hour for all
172 hours spent operating the equipment. This differential shall be paid at fifty cents
173 (\$0.50) per hour even when hours qualify for overtime compensation.

174
175 (b) Painter pay. Employees spraying or sandblasting shall receive a differential of
176 seventy-five cents (\$0.75) per hour for all hours spent spraying or sandblasting.
177 Employees performing drywall, taping and finishing shall receive an additional
178 thirty-five cents (\$0.35) when performing those duties. Painter pay shall be paid

179 at seventy-five cents (\$0.75) or thirty-five cents (\$0.35) per hour even when
180 hours qualify for overtime compensation.

181

182 (c) Dog handling. Employees eligible for dog handling pay shall receive seven
183 dollars and seventy-three cents (\$7.73) per hour for all hours spent dog handling.
184 Dog handling pay shall be paid at seven dollars and seventy-three cents (\$7.73)
185 per hour even when hours qualify for overtime compensation.

186

187 (d) Crew leader. Employees eligible for crew leader pay shall receive a differential
188 of twenty-five cents (\$0.25) per hour for all hours spent as a crew leader. Crew
189 leader pay shall be paid at twenty-five cents (\$0.25) per hour even when hours
190 qualify for overtime compensation.

191

192 (e) Nurse holiday pay. Any employee represented by the Federation of Nurses and
193 Health Professionals will be eligible for pay at twice their base rate for all hours
194 worked on Thanksgiving and on Christmas Day.

195

196 **SECTION 6.** Section 17.21(4) is hereby amended as follows:

197

198 (4) *Regular paydays.* A pay period shall consist of two (2) calendar weeks beginning on
199 a Sunday and ending on a Saturday. Beginning with pay period one of 2020,
200 Employees shall be paid on alternate ~~Thursdays~~ Fridays, the ~~second Thursday~~ first
201 Friday following the last day of the pay period. In the event a holiday falls on a
202 payday, employees shall be paid on the day prior to the normal payday.

203

204 **SECTION 7.** The provisions of this ordinance shall be effective upon passage and
205 publication.

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