

BODY – LEGISTAR #36083

DRAFTER'S ANALYSIS: The passage of 2011 Wisconsin Act 10 and 2011 Wisconsin Act 32 altered the labor/management relationship for the City of Madison and its represented employees. With the expiration of the labor agreements, the City and its labor partners sought to develop a new approach to labor relations based on an interest based problem solving model to resolve conflict. These ordinance changes, along with changes to the Personnel Rules, the creation of the General Municipal Employee Handbook and the new Employee Relations Committee are the result of approximately two years and 30 meetings with representatives of labor and management.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"3.32 ABSENCE OF EMPLOYEES FROM DUTY.

- (1) Definitions.
 - (a) As used in this section, the term "employee" shall mean all City employees other than those holding stagehand positions, seasonal positions, hourly positions or crossing guard positions which are specifically exempted from the following provisions unless explicitly stated otherwise. This term shall include City employees who are exempted from the Civil Service System as specified by Sec. 3.53(1), MGO, except members of Compensation Groups 43 and 44.
- (2) Duties of Human Resources Director and of Division or Department Heads.
 - (a) It shall be the duty of each division or department head to indicate on such division or department absence record accompanying the payrolls the amount of each employee's absence from duty, together with the cause of such absence.
 - (b) It shall be the duty of the division of department heads to keep a record of such absence whether paid or unpaid.
 - (c) No person in the employ of the City of Madison shall receive compensation for time when they are absent from duty unless such absence is shown on the absence record accompanying the payroll of said division or department.
 - (d) An overpayment to any employee which is made by reason of a false report by the department head or other officer or employee shall be chargeable to the person making such false report who shall reimburse the City for such overpayment. Such overpayment may be deducted from any amounts due from the City to the person making such false report.
 - (e) No employee shall be absent from duty without permission of the division or department head. After three (3) days' absence not satisfactorily explained to the head of the division or department, the position may be declared vacant by the division or department head.
- (3) ~~Rules For Administration.~~
 - (a) ~~The Personnel Board is authorized to make rules for the administration of this section.~~
 - (b) ~~If the Personnel Board finds that the usages prevailing in a particular profession or employment vary from the provisions of this ordinance with respect to vacation and sick leave to such an extent as to hinder recruitment in such profession or employment, the Board may modify these regulations with respect to the particular classification affected to the extent necessary to facilitate recruitment in such classification.~~

- ~~(c) No employee shall be absent from duty without permission of the head of the division or department. After three (3) days' absence not satisfactorily explained to the head of the division or department, the position may be declared vacant by the division or department head.~~
- (43) Standard Workweek, Hours Per Week, Per Day.
- (a) The standard number of hours per week during which nonrepresented field personnel shall be on duty, shall be forty (40) hours. The standard number of hours per week for office personnel shall be thirty-eight and three-quarters (38 3/4). The standard number of days per week during which all nonrepresented employees shall be on duty shall be five.
- (b) The standard number of hours per day for nonrepresented non-office personnel shall be eight (8) hours. The standard number of hours per day for nonrepresented office personnel shall be seven and three-quarters (7 3/4) hours. Appointing authorities may establish reasonable daily starting and ending times to meet the needs of their respective departments and divisions.
- (c) Department and division heads may permit their affected non-represented employees to work other than standard daily hours to avoid incurring overtime if the department or division head and the employee mutually agree in writing on the hours to be worked. A core set of hours which must be worked shall be established by the department head and division head to meet the missions of their departments and the best interests of the City. The sets of core hours shall be approved in advance by the Mayor and the Management Team.
- ~~(d) The standard work week/work day for employees in Compensation Groups 15, 16, 20, 23, 32, 33 and 71 shall be the work week/work day in effect for that particular compensation group at the expiration of that compensation group's labor agreement. Before making any permanent shift changes, the Department and Division head, or their designee, shall notify the representative of the particular compensation group five (5) days notice in advance of the anticipated date of the permanent shift change. Department and Division heads, or their designee, shall confer with the representative of the compensation group regarding the impact of the permanent shift change. If there is agreement among all parties, the permanent shift change may be implemented with five (5) working days advance notice to the employee. Should a Department or Division head, or their designee, implement a shift change without the required five (5) day notice or fail to provide the required five (5) working day advance notice to the employee, all time worked shall be paid at time and one-half (1/2) for the hours worked until the five (5) day notice period is reached. This paragraph does not apply to shift changes necessary to cover another employee's absence, employees hired in a classification as relief workers or to seasonal work assignments.~~
- Upon expiration of the collective bargaining agreements, provisions regarding the number and duration of lunches and breaks shall continue, in accordance with City policy unless modified by mutual agreement.
- ~~(d) Employees occupying positions included in Compensation Group 21, as hereinafter designated in Secs. 3.54(1)(g), (i)2., (j)3., and (k)3.b. shall be accorded the privilege of exclusion from the requirements of the aforesaid standards.~~
- (54) Leave of Absence Without Pay. Department heads may, in appropriate circumstances, grant leaves of absences without pay to employees, including those in limited term positions, but if such leave is to extend for more than ~~twelve~~ fifteen (15) working days, written approval of the Mayor must be secured. A

leave of absence without pay for employees on probation shall act to extend the probationary period by the length of time of leave.

(65) Sick Leave and Worker's Compensation Supplement.

(a) Leave of absence with pay to serve as sick leave shall mean absence from duty because of illness or bodily injury, when not a Worker's Compensation case; exposure to contagious disease; and serious illness or death in the "immediate family" of the employee, as defined in Sec. 3.32(4312)(a)23.

(b) Sick Leave Eligibility.

1. All City employees as specified in Sec. 3.32(1)(a) shall be eligible to receive sick leave. Employees in hourly positions as defined in ~~Sec. 3.53(5)(c)~~ the Personnel Rules, shall be eligible to receive sick leave except that no sick leave credit shall be granted unless earned.
2. Probationary employees in their original six (6) months of employment may draw in advance of the amount of sick leave which would be accrued within the six (6) months. Thereafter no sick leave credit shall be granted unless earned. If the employee's service is terminated prior to the end of this period, the employee shall reimburse the City for any unearned sick leave.
3. In the event that a seasonal employee shall move from the status of seasonal to the status of permanent without an interruption of continuous service of more than two consecutive pay periods, then the employee so appointed shall upon completion of probation be credited for one-half day sick leave for each eighty (80) hours worked from the earliest date of employment followed by continuous service.

(c) In cases where a department or division head has reason to believe that an employee has attempted to use sick leave for a reason other than for those specified in Subdivision (a), above, the department or division head may require the employee to provide a physician's certificate explaining the necessity for the employee's time of absence from work, or other documentation substantiating that the absence was for a reason specified in Subdivision (a), above. An employee's failure to provide adequate medical or other explanation may result in loss of pay for the time absent. In addition, an employee's attempt to use the sick leave benefit for reasons other than for those so specified may subject the employee to discipline, in accordance with the procedures set forth in ~~Section 3.53(16) of these ordinances~~ the Personnel Rules.

In all cases in which an employee is absent for more than ten (10) consecutive work days and in which no physician's certificate explaining the necessity for the absence has been provided by the employee, the department or division head may require such a certificate before salary payment is authorized for sick leave beyond the tenth day. In cases in which the absence continues for more than thirty (30) consecutive work days, the department or division head may require the employee to provide a physician's certificate explaining the necessity for the absence and file it with the Human Resources Director before further salary payment is authorized unless in view of the physician's latest certificate, further certification appears to be either temporarily or permanently unnecessary in which case the Human Resources Director shall advise the department or division head in writing to that effect.

(d) In cases in which a department or division head has reason to believe that an employee's fitness for duty is in question, the department or division head may, with the approval of the Human Resources Director,

direct the employee to undergo a physical or mental examination by a physician of the City's choice to determine the employee's fitness to perform his or her assigned duties. The expense of such examination shall be borne by the City. The Human Resources Director shall establish a written procedure for the conduct of any such examination or follow-up examinations.

(e) Sick Leave Accumulation.

1. Earning of Sick Leave.

a. Permanent and Limited Term Employees. Sick leave shall be earned at the rate of one-half (1/2) day per biweekly pay period of service; provided, however, that eligible employees who work less than full-time shall earn proportionate sick leave in the same ratio as their part-time employment bears to full-time employment in the same or similar position. The term "per biweekly pay period of service" shall be construed to be any biweekly pay period in which the employee has completed six (6) days of compensated service. The term "compensated service" as used herein shall include time spent on sick leave, vacation or Worker's Compensation status.

b. Hourly Employees. Sick leave shall be earned at the rate of one (1) day (8 hours) of sick leave for each two hundred (200) hours of work to a maximum of three (3) days in the calendar year. The three (3) day maximum shall apply regardless of any payout or loss of accumulated sick leave resulting from a resignation, seasonal layoff or termination. In calculating the hours of work to be counted towards the determination of sick leave accrual, only an employee's regular hours of work shall be counted. Overtime hours shall not be included in the determination of eligibility or accrual of sick leave. Hourly employees shall be eligible to earn sick leave benefits from January 1, 2009 or from their first day of employment, whichever date occurs the most recently.

2. Accumulation of Sick Leave and Distribution of Value Thereof.

a. Permanent and Limited Term Employees. Sick leave may be accumulated to a total not in excess of one hundred sixty-three (163) working days. ~~Employees in Compensation Groups 17, 18, 19, and 24~~ All permanent and limited term employees who retire or who become disabled and who are also eligible to receive either Social Security benefits, Wisconsin Retirement Fund annuity payments or other publicly established retirement fund annuities, shall receive the equivalent value of one hundred per cent (100%) of their accumulated unused sick leave credits. These funds will be placed into the City of Madison Post-Retirement Sick Leave Conversion Medical Reimbursement Plan and Trust, pursuant to the terms of the Plan, or the City of Madison Governmental 401(a) Special Pay Plan and Trust, pursuant to the terms of the Plan, as the same may be amended from time to time. Other employees may participate in these plans pursuant to their terms.

b. Displaced Employees. Employees who are displaced and become unemployed as a direct cause of the

transfer of a Department/Division operation to another government or the subcontracting of said operation to a private entity shall be eligible to receive up to the equivalent value of their accumulated unused sick leave credits computed at their prevailing rate (including longevity pay) in effect at the time of the employee's layoff not to exceed the value of six (6) months of the employer's normal contribution toward health insurance. These funds will be placed in an escrow account administered by the City and will be used to continue the City's normal contribution toward health insurance premiums for a period not to exceed six (6) months following the date of layoff until such time as he/she becomes employed or until such funds are exhausted whichever occurs first. If the eligible employee is recalled or rehired by the City of Madison within twenty-four (24) months of the layoff, the accumulated unused sick leave credits not converted to the escrow account for health insurance contributions pursuant to this section shall be restored to the employee.

bc. Hourly and Seasonal Employees.

i. At the time of layoff, a seasonal or hourly employee shall be paid fifty percent (50%) of the value of any unused sick leave that they have accrued. Payment shall be made in the pay period immediately following the date of the affected employee's layoff. For hourly employees not seasonally laid off, the employee will have an automatic annual carryover of up to three (3) sick days per year. If more than three (3) sick days has accrued at the end of the calendar year, the employee shall be paid fifty percent (50%) of the value of any accrued unused sick leave in excess of three (3) days. If a seasonal or hourly employee is terminated or resigns prior to the end of the term or season for which they were hired, the employee forfeits all accumulated sick leave. However, resigning from a position for the purpose of returning to school for the fall semester shall be considered a layoff.

ii. Non-seasonal hourly employees will be permitted to carry over a maximum of three (3) sick days into the next calendar year.

ed. Distribution Upon Moving Into A Permanent Position. If a limited term, seasonal or hourly employee moves from that position to a permanent position without interruption in their employment with the City, such employee shall upon completion of probation, if one is served, receive one-half (1/2) day sick leave for each eighty (80) hours worked. If the position is obtained through a non-competitive process, then such benefits shall be limited to the earliest date of uninterrupted employment with the City. The balance of any accrued sick leave earned as an hourly or seasonal employee shall be deducted from the forgoing sick leave benefit calculation.

3. Accumulation in Excess of One Hundred Fifty (150) Days. Employees, except as listed in 4. and 5. below, earning sick leave in excess of one hundred fifty (150) days shall receive a cash sum equivalent to employee's regular salary times the number of excess days which payment to be made on the pay day immediately preceding December 25¹⁵th.
 4. Employees in Compensation Group 15. Employees in Compensation Group 15 may accumulate up to a total of one hundred sixty three (163) days of sick leave. At the end of each year, any employee with a sick leave balance in excess of one hundred fifty (150) days will receive a payout on the payday immediately preceding December 15 equivalent to the employee's regular salary times the number of excess days.
 5. Employees in Compensation Group 16 and 20. Employees in Compensation Groups 16 and 20 who have accumulated a sick leave balance in excess of one hundred fifty (150) days, their balance from the previous year will remain and fifty percent (50%) of any newly accrued sick leave days will be paid out on the payday immediately preceding December 15 with the remaining fifty percent (50%) added to the total accrued sick leave time.
 46. Death Benefit. Employees earning sick leave who die while employed by the City shall have an amount equal to their current rate of pay, including longevity times their accrued unused sick leave added to the last pay due the employee.
- (f) Worker's Compensation Supplement. All employees shall be considered eligible for Worker's Compensation Supplement. In the event an eligible employee is entitled to receive compensation for temporary total disability in accordance with the provisions of ~~Chapter~~ Wis. Stat. ch. 102, Wisconsin Statutes, said employee shall continue to be paid by the City at eighty percent (80%) percent of the same rate and upon the same basis as he/she was paid prior to such injury, provided that no employee shall receive less than the same net regular rate of pay as he/she was paid prior to such injury. Said pay shall include the employee's Worker's Compensation pay for a period not to exceed one hundred eighty (180) working days or thirty-six (36) working weeks and during such period the employee is receiving full pay under the provisions of this subdivision said employee shall continue to accrue sick leave and vacation in accordance with the provisions of this section, provided that no employee by reason of this subdivision shall receive pay for more than fifty-two (52) weeks in any calendar year. Payment provided herein shall include the first three (3) days said employee is absent from work. Pay by the City "at the same rate and upon the same basis" and "regular rate of pay" shall mean only base salary, plus any earned step increases, plus any earned longevity in effect immediately prior to the injury or illness subject to the provisions of Sec. 3.54 or any duly authorized labor agreement.

(76) Vacation.

- (a) Eligibility. All City employees who have completed an original probationary period shall be eligible to receive an annual leave of absence with pay to serve as vacation. However, employees who are required to serve a probationary period in excess of six (6) months shall be eligible to receive earned paid vacation leave after completion of six (6) months of probation, not to exceed five (5) days. In the event that an employee in a seasonal or hourly position who is otherwise ineligible to receive vacation shall move from the status of seasonal or hourly to the

status of permanent without an interruption of continuous service of more than two consecutive pay periods, then the employee so appointed shall upon completion of probation be credited for vacation leave of one (1) day for each two hundred eight (208) hours worked from the earliest date of employment followed by continuous service. This provision does not apply to crossing guards.

(b) Carry-Over. Up to two (2) weeks of vacation leave which is not taken within the calendar year in which it is earned will be carried over automatically; unused vacation beyond two (2) weeks may be carried over with the permission of the Department or Division Head and Human Resources Director.

(c) Schedule.

1. Vacation leave for the City employees described in Subdivision (a) above, except as provided in Sec. 3.32(7)(c)8(6)(c)7. below, shall be earned at an equivalent monthly rate in accordance with the following table:

Continuous Service Time	Full-Time Equivalent Annual Work Days of Vacation
After completion of one (1) year	10
After completion of three (3) years	12-1/2
After completion of seven (7) years	15
After completion of eleven (11) years	17-1/2
After completion of fifteen (15) years	20
After completion of nineteen (19) years	25
After completion of twenty-seven (27) years	27

2. ~~_____ (R. by ORD-10-00019, 2-18-10)~~

32. Authorized leave of absence without pay in excess of thirty (30) working days and periods of layoff shall not qualify as service time in computing continuous service for vacation.

43. Computation of Eligible Employee's Vacation. Eligible employee's vacation shall be computed from the date of appointment. A proportional part of each employee's annual vacation shall be earned upon completion of each biweekly pay period of service.

a. The term "biweekly pay period of service" shall be construed to be any biweekly pay period in which the employee has completed six (6) days of compensated service. "Compensated service" as used herein shall include time spent on sick leave, holiday, vacation or any other authorized leave for which regular, full pay is received.

b. All annual vacation allowances shall be computed to the nearest one-half (1/2) day.

54. Reimbursement. Vacation which would normally be earned in a calendar year may be taken during such year; but if the employee's service is terminated prior to the end of the year, the employee shall reimburse the City for any unearned vacation leave taken, which amount shall be deducted from the employee's last wages.

65. Legal holidays falling within the period of annual leave are not included in the period of such leaves. In employment where Saturday is a half work day it shall be counted as a full day.

76. Vacation Schedule. The vacation schedules for employees in a division or department shall be developed by the division or department head. It shall be the policy of each division or department head to schedule vacations over as wide a period as possible in order to obviate the need for temporary personnel. The use of vacation in smaller increments than one week shall be allowed. Accordingly, vacation shall be granted subject to the approval of the department or division head.

87. New Appointments. Pursuant to Sec. 3.54(~~710~~)(a), MGO, the Mayor may designate a new appointment's beginning vacation leave entitlement at any step within the vacation schedule. For vacation purposes, the designation will be deemed to carry with it the minimum years of continuous service necessary for that step in the vacation schedule. Thereafter vacation leave for the person appointed shall be earned in accordance with the schedule in Sec. 3.32(~~76~~)(c)1. above.

- (d) Vacation Credit Upon Death. Eligible employees and officers upon death, shall have added to the last pay due, full vacation credit for that calendar year less any vacation already taken during said year.
- (e) Vacation Credit Upon Retirement. Eligible employees and officers upon retirement, shall have added to the last pay due, full vacation credit for that calendar year less any vacation already taken during said year
- (f) Assistant Fire Chiefs may elect to convert up to two (2) weeks of their annual vacation to an amount of cash equivalent to said vacation calculated on the regular earnings of said employee. The employee shall apply for such conversion option in accordance with department procedure no later than October 1 of each year. Assistant Fire Chiefs may, in the alternative, elect to select a Salary Option which will convert up to two (2) weeks of vacation to pay applied to the gross salary in twenty-six (26) equal payments throughout the year. Provided, however, that under no circumstances shall either such addition to the employee's gross pay be included in calculating overtime rates or any other form of premium pay.

(~~87~~) Designated Holidays.

- (a) Eligibility. All City employees and employees holding hourly positions shall be eligible to receive paid designated holidays.
- (b) The following are designated as holidays for ~~nonrepresented~~ City employees: January 1, the third Monday in January, the last Monday in May, July 4, the first Monday in September, Thanksgiving Day, December 25 and, for permanent and hourly employees in Compensation Group 15, the Friday after Thanksgiving.
- (c) Employees must work or be on authorized paid leave the work day before and after a designated holiday in order to receive pay for the holiday. All City offices except those performing required duty shall be closed on the days listed in (b) above.
- (d) In those cases where employees must perform required duty on the holidays listed in (b) above, they shall be compensated or granted time off at the rate currently in effect, in the employee's division or department, such time off to be taken at a time which is agreeable to the employee and the division or department head. For Compensation Groups 15, 16, 20, 32, 33 and 71 only, the compensated rate is two (2) times the employee's regular rate of pay for hours worked on the holidays listed in (b) above.
- (e) In the event that any of the holidays listed in Sec. 3.32(~~87~~)(b) fall on a Sunday, the following Monday shall be treated as a holiday. If any of the

holidays listed in Sec. 3.32(87)(b) fall on a Saturday, employees shall have an additional vacation day added to their current vacation balance.

- (f) ~~Effective January 1, 1979, e~~Employees occupying positions in Compensation Groups 16, 17, and 18, 20, and 33 who are regularly scheduled to work a normal shift on Sundays shall receive Easter Sunday as a designated holiday. However, such employees shall forfeit one (1) floating holiday in lieu of Easter Sunday.

(98) Floating Holidays.

- (a) Eligibility. All City employees shall be eligible to receive three and one-half (3½) paid floating holidays except as provided for in Sec. 3.32(87)(f).
- (b) Floating holidays shall be taken on days selected by the employee subject to the approval of the department or division head.
- (c) Employees who are hired on or after November 1 will be permitted to carry over unused floating holidays into the following calendar year.

(409) Paid Leave Time.

- (a) Eligibility. All City employees shall be eligible for paid leave time.
- (b) 1. City facilities, except in those agencies providing essential services shall be closed on the day after Thanksgiving. In cases where employees are performing required duty on said days and cannot be granted time off, they shall be granted compensatory time off at a standard time rate at a mutually agreeable time. The intention of this provision is to grant each employee a whole day of paid leave on the day after Thanksgiving Day. Those employees who have a scheduled day off or who are on vacation or sick leave shall receive equivalent compensatory time off.
2. City facilities, except in those agencies providing essential services may, with the permission of the Mayor, be closed the whole day or part of the day on December 24 and December 31 where said days fall on a normal Monday-Friday workday. In the event a City facility remains open, the department head may release employees from duty on that day at the department head's discretion. In those cases when persons performing required duty cannot be granted time off on said days, appropriate compensatory time off shall be granted at a mutually agreeable time. The intention of this provision is to grant each employee time off with pay on said days provided that said days fall on a week day, Monday through Friday.

When December 24th or 31st falls on either Saturday or Sunday, employees shall be provided one (1) day vacation in lieu of the benefits provided herein for both days. Employees who have a scheduled day off, or who are on vacation or sick leave shall similarly be given equivalent compensatory time off.

3. Those employees who work on a shift which requires them to work their full shift on December 24 and/or December 31 shall be entitled to one day compensatory time off even though these days fall on a Saturday or Sunday.
- (c) ~~All compensatory half days granted under this section~~ paid leave time granted under sub. (9)(b) above shall be at straight time.
- (d) Employees in Compensation Group 15.
1. Employees shall be given one-half (1/2) day off on December 24 and December 31 of each year provided these days fall on a week day (Monday through Friday). If special circumstances require the employees to work, those persons required to work on these half-days shall be granted one-half (1/2) day of vacation at a mutually agreeable time. When December 24 and December 31 fall on either a Saturday or Sunday, employees

shall be provided a one-half (1/2) day of vacation in lieu of the benefits provided herein. If employees work in excess of one-half (1/2) day (four (4) hours), an equal amount of vacation time shall be granted at a mutually agreeable time.

2. Employees who have a scheduled day off or who are on vacation or sick leave on the above specified days are entitled to receive one-half (1/2) day of vacation at a mutually agreeable time. This provision shall not be operative for December 24 and/or December 31 when those days fall on a Saturday or Sunday.

(e) All paid leave time granted under sub. (9)(d) above shall be on a straight-time basis.

(44-10) Military Leave.

(a) Eligibility. Officials and employees of the City of Madison, including those persons holding hourly positions or crossing guard positions, who are members of the uniformed services of the United States may be eligible to take leaves of absences, without loss of credited service time, in order to fulfill their official duties as members of the uniformed services of the United States. Eligibility for such leave, the requesting of such leave, the administration of such leave and an employee's rights to reemployment upon return from such leave shall be determined in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301- 4333, as amended by Pub. L. 105-368, Veterans Programs Enhancement Act of 1998, 112 Stat 3315 (10 Nov. 1998) and any subsequent amendments to that law. Members of the Wisconsin National Guard who are called to active duty by order of the Governor or by an order issued under the authority of § 32 U.S.C. 502(f), which is not considered to be service in the uniformed services of the United States, are entitled to a leave of absence without loss of credited service time, however, such leave shall be requested, granted and administered pursuant to Wis. Stats. § 21.80 and §45.50-45.51, as that law may be amended from time to time.

(b) Pay Differential and Leave Accumulation for Active Duty Service.

1. Subject to Sub. 3, an employee who is activated to serve on military duty, other than those persons who hold hourly positions or crossing guard positions, in the U.S. armed forces shall be paid his or her City salary, less any military pay and housing allowances that he or she receives, during the period in which the employee is on military duty in the U.S. armed forces, unless the military pay and housing allowances equal or exceed his or her City salary, and shall accumulate sick leave and vacation as though no interruption in service has occurred if all of the following apply:

- a. The employee is activated to serve, or is serving, on military duty in the U.S. armed forces, other than for training purposes.
- b. On the date on which he or she is activated, the employee is either a member of the National Guard or a member of a reserve component of the U.S. armed forces or is recalled to active military duty from inactive reserve status.
- c. The employee has received a military leave of absence under Sec. 3.32(44-10)(a), MGO, or under a collective bargaining agreement or is eligible for reemployment with the city under Wis. Stats. § 21.80, 45.50, or under

USERRA, after completion of his or her service in the U.S. armed forces.

2. Subject to Sub. 3, a City employee, other than those persons who hold hourly positions or crossing guard positions, who is required to serve, or who is serving, in the U.S. public health service and who is on detail with any of the U.S. armed forces shall be paid his or her city salary, less any federal pay and housing allowances that he or she receives, during the period in which the employee is detailed for duty with any of the U.S. armed forces, unless the federal pay and housing allowances equal or exceed his or her City salary, and shall accumulate sick leave and vacation as though no interruption in service has occurred.
3. Limitations on Term of Pay Differential.
 - a. Except as provided in par. b., beginning on the day in which a City employee is activated to serve on military duty in the U.S. armed forces or to serve in the U.S. public health service, the employee shall receive the pay and benefits authorized under Sub. 1 or 2. There shall be no limitation on the number of times a city employee may be deployed and receive pay differential and benefits under this ordinance so long as such employee remains eligible to return to City employment under Sec. 3.32(4+10), MGO, or under Wis. Stats. § 21.80, 45.50, or under USERRA.
 - b. This ordinance shall not have any retroactive effect. No employee who is eligible to receive the pay and benefits under Sub. {1.} or {2.} may receive the pay or benefits for any service in the U.S. armed forces or the U.S. public health service for any such service that has occurred before the enactment of these provisions.
4. Any city employee who is eligible to receive the pay and benefits authorized under Sub. {1.} or {2.} and who has completed his or her duty with the U.S. armed forces or the U.S. public health service may use up to 160 hours of accumulated vacation before the employee resumes employment with the City. Any accumulated vacation that is used under this subsection must be used no later than thirty (30) calendar days after the employee has completed his or her duty with the U.S. armed forces or the U.S. public health service. If, after using any such accumulated vacation, an employee has any accumulated vacation remaining that was accumulated while on duty with the U.S. armed forces or the U.S. public health service, the employee's department/division head and the Human Resources Director shall permit the employee to carry over the leave into the next year for use in that year. This subsection shall not have any retroactive effect and shall not apply to any periods of service occurring before the enactment of this subsection.
5. Continuity of Healthcare and Life Insurance. Unless an employee ordered to active duty (other than training) with the armed forces of the United States under the authority of Titles 10 or 32, United States Code, has specifically requested otherwise and in writing, the city shall continue to pay the employer's contribution towards health and dental insurance premiums, life insurance premiums and contributions to the Wisconsin State Retirement Fund on behalf of any employee, at the rate which

would be in effect for the employee had he or she not been ordered to active duty. This subsection shall not have any retroactive effect and shall not apply to any periods of service occurring before the enactment of this subsection.

6. Suspension of Benefits. If at any time, the number of City of Madison employees currently drawing benefits under the provisions of this ordinance shall exceed the greater of either the equivalent of thirty (30) full time employees or shall meet or shall exceed one percent (1%) of the total City workforce as determined by full time equivalents the benefits provided under this subsection are suspended by action of this ordinance. The suspension of these benefits shall remain in effect until such point in time that the number of City employees otherwise eligible to actually receive the benefits provided by this ordinance has remained, for a period of not less than ninety (90) consecutive days, at or below the greater number of either thirty full time employees or one percent (1%) of the total workforce, as set forth above. Any employee who is currently receiving benefits under this ordinance at the time that such a suspension of benefits becomes operative, shall receive a thirty (30) day notice of the City's intent to suspend such benefits and such employee shall continue to receive such benefits until the thirtieth day following the issuance of such notice. The suspension of these benefits does not affect the rights and entitlements of any employee as such rights and entitlements may be guaranteed under state and federal law.

7. Notice of Benefits. Within sixty (60) days of the passage of this ordinance the Human Resources Department shall create and distribute a poster that notifies eligible employees of their rights under Sec. 3.32(4410), MGO. City department/division heads shall ensure that this poster is prominently posted in all city workplaces.

(4211) Jury Service. Employees who are called for jury service in any court of the State of Wisconsin or of the United States shall, upon reimbursement to the City of their per diem jury payment, be entitled to leave of absence from their City position without loss in time from the service of the City to serve as jurors in such courts. There shall be no deduction from nor interruption of the pay from the City because of such absence. The leave granted by this section is in addition to all other leaves granted or authorized by any other provisions of City ordinances and the time of the leave granted under this section shall not be deemed a part of any leave granted or authorized by any other provisions of City ordinances. For the purpose of determining seniority pay or salary advancement, the status of the employee shall be considered as though not interrupted by such attendance.

(4312) Death in Employee's Family or Otherwise.

(a) Death in Immediate Family.

1. Where there is a death in the immediate family of an employee such City employee including crossing guard employees, shall be eligible, in accordance with the terms of this subsection, for leave without loss of pay. Employees shall be granted up to three (3) days without loss of pay and without charge to accrued sick leave or vacation of the employee. ~~Additional time off may be granted at the discretion of the Human Resources Director, and shall be chargeable to the accrued sick leave of the employee. Requests for additional time off shall be submitted through the department or division head to the Human Resources Director.~~ Such leave must be used within two (2)

weeks of the death, memorial service, and/or funeral service which is the basis for the leave. Authorization for exceptions to this requirement can be obtained through the Human Resources Director. The leave provided under this provision is not to be considered as vacation or holiday leave but leave provided for reasons related to the death of a close relative.

2. In the event of the death of an "immediate family" member, leave greater than three (3) days may be granted at the discretion of the Human Resources Director with such leave charged against the compensatory time, vacation or sick leave balance of the employee at the discretion of the employee. In the event the employee's compensatory time, vacation time and sick leave time are exhausted, the Department or Division Head may authorize up to three (3) days of vacation leave from vacation time to be earned by the employee the following calendar year which would create a negative vacation leave balance until the end of the year. In the event the employee terminates employment with the City and has a negative vacation leave balance, the vacation time advanced to the employee shall be repaid to the City from the employee's final paycheck.

23. The term "immediate family" as used in this subsection shall be limited to the following:

- a. Parents or stepparents.
- b. Husband or wife.
- c. Children, stepchildren, grandchildren, or foster children.
- d. Spouse's foster children.
- e. Brother or sister.
- f. Grandfather, grandmother, great-grandfather or great-grandmother.
- g. A person designated in writing by the employee as a family partner or that partner's children, stepchildren, grandchildren, or foster children; parents or stepparents; brother, sister, stepbrother or stepsister; son-in-law or daughter-in-law; grandparents or great grandparents. The Mayor shall establish rules and procedures for such designation of family partners.
- h. Father-in-law, mother-in-law, step-father-in-law or step-mother-in-law.
- i. Sister-in-law, brother-in-law, stepsister-in-law or stepbrother-in-law.
- j. Son-in-law or daughter-in-law.
- l. Spouse's grandparents or great grandparents.
- m. A Domestic Partner registered with the City Clerk as provided in Section 39.03(11) of these ordinances.

(b) Death Other Than in Immediate Family. Where a death of a person in the employee's family, other than her/his immediate family or otherwise occurs, employees shall be entitled to one (1) day of leave with said leave to be charged against any paid leave credits due the employee at the discretion of employee. The Human Resources Director has discretion to authorize such employee additional leave from work which absence shall be chargeable to any paid credits due the employee at the discretion of the employee. In absence of paid leave credits, the time off shall be charged as leave without pay.

(c) Death of Friends. Employees shall be entitled to leave without pay for one (1) day when the memorial service takes place out of town; one-half (1/2) day for in-town memorial services; such time off may be charged

against any paid leave credits due the employee at the discretion of the employee. In absence of any paid leave credits, the time off shall be charged as leave without pay.

- (1413) Disability Leave Without Pay. Employees ~~with disabilities who are unable to perform the essential functions of their position due to a qualifying medical condition~~ shall be entitled to a leave of absence without pay for a period not to exceed six (6) months, subject to the following provisions:
- (a) The employee shall apply for such leave, in writing, to the employee's Department/Division Head. The Human Resources Director must approve the leave of absence.
 - (b) The employee shall submit a physician's report including a statement of the illness, injury or disability and whether or not the employee is able to work to the Human Resources Director.
 - (c) The employee shall submit to her/his Department/Division Head a physician's statement of release for work before returning to work.
 - (d) In the event the employee is unable to return to work at the end of the six (6) months, the employee shall be placed in a layoff status for a period not to exceed an additional eighteen (18) months.

During the period of lay-off, should the employee's physician approve, in writing, that the employee can return to work, the rights of the returning employee shall be as established in ~~Sec. 3-53(24)(b), (c) and (e) through (g)~~ the Personnel Rules.

Employees on disability lay-off must give the Human Resources Department a minimum of three (3) weeks' notice prior to exercising their right to return in order for the displacement process contained herein to occur. The employee that is selected for initial displacement shall be given written notice of the action not less than five (5) calendar days prior to the effective date; provided, however, that a junior employee shall receive no prior notice in the case of a senior employee displacing a junior employee. Displaced employees shall have forty-eight (48) hours after receiving notice to exercise whatever options may be available to them. If a decision is not made within the 48-hour period, said employee shall be deemed to have been laid off by the City. Employees who cannot displace into a lower position and therefore are to be laid off shall receive written notice of the action not less than fourteen (14) calendar days prior to the effective date.

- (e) The City and/or employee shall continue to pay health insurance premiums on the same basis as existed prior to the commencement of the disability leave of absence. However, in the event that changes occur affecting the premium payment for health insurance during the disability leave of absence, payment arrangements will be adjusted accordingly.
 - (f) Employees in limited term positions may be granted a disability leave without pay at the discretion of the Department or Division Head, for a period not to exceed six (6) months. Limited term employees are not entitled to displacement provisions.
 - (g) Employees with an employment contract may be granted a disability leave without pay at the discretion of the Mayor and are not entitled to displacement options unless set forth by individual contract.
- (1414) Return to Service. An employee in the classified service appointed to a position in the unclassified service shall be granted a leave of absence without pay from his/her former position in the classified service for the period of his/her service in the unclassified position and for one (1) year thereafter, during which time she or he shall be entitled to return to such former position or to one of equal responsibility and pay in the classified service without loss of seniority or civil service status. Any employee receiving a greater salary in the classified service

than that provided for a position in the unclassified service to which she or he is appointed, shall be entitled to the same salary while serving in such position as she or he was receiving in the classified service at the time of such appointment. This section shall supersede any provision of law relating to the civil service application and selection procedures in conflict therewith. This section shall not apply to persons leaving civil service positions to accept employment contracts with the City nor to persons who have been terminated or demoted from such unclassified positions for any reason contained in ~~Sec. 3.53(26) of these ordinances~~ the Personnel Rules.

~~(4615)~~ Election Day Official Paid Leave.

- ~~(a)~~ State law requires that employees be allowed time off for the purpose of voting on Election Day. Any employee wishing to vote during regular work hours should notify their supervisor in advance of the Election Day. Any employee having given notice prior to Election Day may take up to three (3) hours of vacation, compensatory time, floating holiday or absence without pay for the purpose of voting on Election Day. The City, specifically the Department or Division head, reserves the right to designate the time of day in which the employee is released from work to vote.
- ~~(ab)~~ An employee appointed to serve as a City of Madison election official pursuant to Wis. Stats. § 7.30 may use his or her vacation, holiday and/or compensatory leave during the period of time he or she would have been scheduled to work and serves as an election official. In such a case, the employee receives his or her regular rate of pay and is allowed to retain any compensation earned or received for their service as an election official.
- ~~(bc)~~ For such time as an employee is serving as a City of Madison election official pursuant to Wis. Stats. § 7.30 during the twenty four hour period of an election day, and is not using vacation, holiday or compensatory leave, he or she shall remain on the payroll for those hours which they would have otherwise worked for the City and shall receive in addition a check in the amount of the election official compensation for the hours where there is no overlap between the employee's regular or scheduled hours and the hours they serve as an election official.
- ~~(cd)~~ An employee appointed to serve as an election official pursuant to Wis. Stats. § 7.30 for any jurisdiction other than the City of Madison shall upon proper notice and pursuant to Wis. Stats. § 7.33(3) be granted an unpaid leave of absence for the entire twenty-four (24)-hour period of each election day in which the employee serves in his/her official capacity as an election official.
- ~~(de)~~ An employee who serves as an election official shall provide their Department/Division Head with at least seven days written notice of their anticipated service as an election official.”

2. Section 3.54 entitled “Compensation Plan” of the Madison General Ordinances is amended to read as follows:

“3.54 COMPENSATION PLAN.

- (1) Basic Salary Schedules By Compensation Groups. Basic biweekly salaries and classifications for permanent and limited term positions employees, as defined in Sec. 3.53(5)(a) and (b) and permanent full and part-time employees, hourly employees and limited term employees as defined in Sec. 3.38(1)(a)1., 2. and 3 are maintained by the Human Resources Department in conjunction with Finance Department. A hard copy of the current salary/hourly schedule is maintained in the Human Resources Department. An online copy can be found at <http://www.cityofmadison/finance/salarieschedule/>.

- (a) ~~The basic biweekly salary schedules consisting of minimum and maximum rates with intervening steps for positions within the classifications, salary ranges, and compensation groups hereinafter designated shall be in accordance with the provisions of Subdivisions (b) through (p) and (r) through (u) below.~~

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- (2) Changes to Salary/Hourly Schedules. For all compensation groups, all new salary/hourly schedules and any changes to the current compensation rate for permanent and limited term positions shall be by Resolution or Ordinance, proposed by the Human Resources Director and approved by the Common Council.

(EDITOR'S NOTE: Sections 3.54(1)(b) through (1)(p) have been repealed and are not included in this ordinance. Those sections contain the current salary schedules in Chapter 3 and can be found in Attachments entitled "Chapter 3 Current Salary Schedules."

(~~4~~3) Salary Schedules For Compensation Groups 43 and 44.

- ~~1-(a)~~ Employees in Compensation Groups 43 and 44 are covered by all provisions of Sections 3.32(4), 3.33, 3.35, 3.38 3.53, except 3.53(5) and (10); and are covered by Sections 3.32(4), 3.33, and 3.35; and by Section 3.54(1), (2), (7), (8), (11)(a), (17), (18), (19), and (20).
- ~~2-(b)~~ In those cases where an employee is promoted into a position in Compensation Group 43 or 44 from Teamsters Local 695, the employee shall be entitled to a salary advancement to the minimum of the new range or to the lowest step in the new pay range which represents an increase of at least ~~one step (based on the average step size in the new range)~~ five percent (5%) over the current biweekly rate not to exceed the maximum of the range.
- ~~3-(c)~~ Employees promoted into or appointed to the classifications of Transit Operations Supervisor and Transit Maintenance Supervisor shall enter at Step 2 of Compensation Group 44, Ranges 06 and 08, respectively. Such employees shall receive future salary advancements in accordance with Section 3.54(8)(a) and (b).
- ~~4.~~ Implementation. Upon initial assignment of classifications, positions, and employees of the Transit Division to Compensation Groups 43 and 44 effective March 10, 1985, the following procedures will be followed:
- a. ~~No employee's salary shall be decreased. If the employee's current salary is above the maximum of the new salary range, it will be red-circled until such time as the maximum of the range exceeds the red-circled rate.~~
- b. ~~Employees whose current salaries do not exceed the maximum of the new salary range will be placed at that step in the new range which is closest to, but not less than their current salary.~~

- c. ~~Subsequent advancements within the salary range will occur in accordance with Section 3.54(8), except that the employee's actual anniversary date in that particular position will be used when determining the next salary advancement date.~~
- d. ~~Employees on probation at the time of implementation will be placed at the minimum of the new range or their current salary, whichever is greater. They will be given credit for all time already served in the probationary period. Employees placed at the minimum of the range will be eligible for movement to the next higher step in accordance with Section 3.54(8)(a). Employees whose pay is frozen above the minimum, will move to the next higher step upon the completion of the probationary period unless they are already above Step 5, in which case, their salary will be frozen until the maximum of the range exceeds the red-circled rate.~~
- (f) ~~Reserved for Future Use.~~
- (g) ~~Reserved for Future Use.~~
- (t) ~~Reserved for Future Use.~~
- (u) ~~Reserved for Future Use.~~
- (2) ~~Hourly Rate Schedule.~~
 - (a) ~~Effective for persons compensated pursuant to such range steps on and after June 28, 2009, the following Hourly Positions which are not included in any recognized bargaining unit shall be compensated in accordance with the hourly rates specified for the classifications herein designated; provided, however, that salary designations applicable to individual range steps indicated with a single asterisk (*) shall be effective the last pay period of 2013:~~

NONREPRESENTED CLASSIFICATIONS

HOURLY RATES

Summer Youth Corps Member	8.18	8.69*
Clerical Aide Trainee	10.44	11.09*
Clerical Aide	11.32	12.02*
Attendant	11.50	12.21*
Usher	11.50	12.21*
Shallow Pool Attendant	11.62	12.34*
Library Page 1	11.66	12.38*
Library Page 2	11.66	12.38*
Automotive Maintenance Worker	11.95	12.69*
Assistant Cook	12.14	12.89*
Building Cleaner	12.14	12.89*
Clerk	12.14	12.89*
Clerk Typist	12.14	12.89*
Street & Sewer Maintenance Helper	12.14	12.89*
Ticket-Taker	12.14	12.89*
Administrative Aide (Trainee)	12.28	13.04*
Head Usher	12.28	13.04*
Community Service Worker	12.46	13.23*
Crew Leader	12.95	13.75*
Administrative Clerk 1	13.02	13.83*
Stock Clerk	13.02	13.83*
Engineering Aide	13.06	13.87*
Drafting Technician 1	13.06	13.87*
Technical Aide 1	13.06	13.87*
Cook	13.09	13.90*
Library Assistant	13.20	14.02*

Administrative Aide 1	13.62	14.47*
Management Intern 1	13.62	14.47*
Pedestrian/Bicycle Monitor	13.62	14.47*
Professional Aide 1	13.62	14.47*
Secretary	13.62	14.47*
Street & Sewer Machine Operator 3	13.67	14.52*
Crossing Guard Substitute	14.03	14.90*
Construction Inspector	14.23	15.11*
Engineering Assistant 1	14.23	15.11*
Technical Aide 2	14.23	15.11*
Administrative Aide 2	15.01	15.94*
Interpreter	15.01	15.94*
Management Intern 2	15.01	15.94*
Professional Aide 2	15.01	15.94*
Planner Aide	15.21	16.16*
Technical Aide 3	15.25	16.20*
Public Health Nurses' Aide	15.26	16.21*
Engineering Assistant 3	15.93	16.92*
Planner Aide 2	15.93	16.92*
Administrative Aide 3	16.31	17.32*
Assistant Box Office Manager	16.31	17.32*
Professional Aide 3	16.31	17.32*
Aquatics Supervisor	16.70	17.74*
Budget Aide	16.71	17.75*
Budget Analyst	17.56	18.65*
Registered Nurse	17.63	18.73*
WIC Nutritionist	17.63	18.73*
Community Planner 1	18.65	19.81*
Engineer	18.65	19.81*
Madison Skating Academy Director	18.65	19.81*
Pool Manager	18.65	19.81*
Professional Assistant	18.65	19.81*

(b4) Hourly Rate for Special Workers.

1-(a) Persons certified into the nonrepresented hourly classification of "Special Worker" by the Human Resources Director, who perform services for the City on an hourly basis may, after their regular performance level is established by means of a task analysis, be compensated at an hourly pay rate designated by the Human Resources Director which is within the Allowable Hourly Pay range.

2-(b) The pay rate for each Special Worker shall be determined by means of a specialized task analysis of the work which the Special Worker is able to perform and which, when approved by the Human Resources Director, shall establish an hourly pay rate which is a percentage of the pay rate for a full level of performance; and, that the percentage so established will be applied to the hourly pay rate of the full performance classification to establish an hourly pay rate for the individual Special Worker.

3-(c) The Allowable Hourly Pay Range, within which the hourly rate of pay for any Special Worker must be placed, shall not exceed eighty-five percent (85%) of the hourly rate of the classification which identifies the full performance level of the work performed by the special worker.

(c) (R. by ORD-08-00087, 8-01-08)

(d5) Compensation of Noncivil Service Code Enforcement Officers.

1-(a) Special Code Enforcement Officers may be hired by the Building Inspection Division of the Department of Planning and Community and

Economic Development to conduct code enforcement inspections outside of the City of Madison.

~~2-~~(b) Special Code Enforcement Officers shall be compensated at a rate of \$35 per inspection, as assigned by the Building Inspection Division.

~~3-~~(c) Persons in the "Special Code Enforcement Officer" class shall be exempt from Section 3.53 of these ordinances entitled "Civil Service System."

(36) Hourly Compensation Provisions for Nonrepresented Crossing Guard Substitutes.

Nonrepresented crossing guard employees hired by the hour as substitute or temporary help where such employees are not regularly scheduled on a permanent basis, shall be compensated on an hourly basis ~~effective December 26, 1999, at the rate of \$10.85 per hour June 25, 2000 at the rate of \$10.96 per hour, effective December 24, 2000, at the rate of \$11.18 per hour, and effective June 24, 2001, at the rate of \$11.40 per hour~~ and shall receive no other benefits.

(47) Housing Monitors. The Director of Planning and Community and Economic Development may enter into individual employment contracts, on behalf of the City, with housing monitors employed to provide security services at public housing sites owned and operated by the community development authority.

- (a) Such contracts may require the housing monitor to occupy a dwelling unit at the site. In such cases, the fair market rental value of the dwelling unit shall be included as part of the employee compensation.
- (b) Such contracts may provide for either part-time or full time employment.
- (c) Such contracts shall comply in all respects with state and federal law, and shall fully describe the wages, hours, benefits, and conditions of employment, as the community development authority may direct.
- (d) Such contracts shall be approved as to form by the Finance Director, the City Attorney, and the Director of Human Resources.

(58) Prevailing Rate For Skilled Trades.

Skilled trades workers employed on an hourly basis as Carpenters, Painters and Electricians shall be compensated at prevailing wage rates applicable to the Madison area and shall receive no other compensation or benefit incidental to said employment except as required by State or Federal law, notwithstanding any other ordinance or resolution specifically to the contrary.

(69) Compensation of Managerial Employees.

(a) Creation. Effective January 1, 1985, there is created a plan for the annual evaluation and adjustment of compensation of certain managerial employees. Except as provided otherwise in these ordinances, the provisions of Sections 3.53, 3.32, and 3.54 shall apply to such employees.

(b) Positions. This subsection shall apply to the following positions:

Affirmative Action Division	Information Technology Director
Manager	
<u>City Assessor</u>	Building Inspection Division Director
City Attorney	Library Director
City Clerk	<u>Monona Terrace Director</u>
Finance Director	Parking Manager
<u>City Traffic Engineer & Parking Manager</u>	Parks Superintendent
City Treasurer	Planning & <u>Community & Economic Development</u> , Director of <u>Department of</u> Planning Division Director
Civil Rights, Director of Department of Community & Economic Development	
Unit Director	Police Chief

Community Development Authority	Public Health for Madison and Dane
Executive Director	County, Director of
<u>Community Development Division,</u>	
<u>Director</u>	
<u>City Engineer</u>	Public Works Director
<u>Economic Development Division,</u>	
<u>Director</u>	
Engineer, Assistant	Revenue, Director of
Equal Opportunity Commission,	Street Superintendent
Executive Director	Traffic Engineer
Fire Chief	Transit General Manager
Fleet Service Superintendent	Transportation Director
Human Resources Director	Water Utility General Manager
	Water Utility Manager, Asst.

(c) Implementation.

1. The evaluation of each managerial employee shall be based on objective criteria which may include but not be limited to critical incident reports and performance in relation to predetermined objectives and measurement standards. The criteria shall be established and may be revised from time to time by the Mayor as administrative procedural memoranda.
2. Evaluations shall be made in the following sequence:
 - a. Employees below the level of Division Head shall be evaluated by Division Heads with review by Department Heads.
 - b. Division Heads and Assistant Department Heads shall be evaluated by Department Heads.
 - c. Department Heads operating under a statutory governing board or commission shall be evaluated by such board or commission.
 - d. Other Department Heads shall be evaluated by the Mayor who shall also review all other evaluations.

All evaluations shall be written and reviewed with each employee. Employees rated by supervisors other than the Mayor may make a personal and written appeal of their evaluation to the Mayor within three (3) working days after notification of rating. The Mayor shall consider input from the alderpersons and other sources concerning the evaluation of any affected employee.
3. Members of the Common Council may participate in the evaluation process of managerial employees by the following procedure:
 - a. The Mayor shall, at least annually, distribute to the alders a form on which they may provide comments to the Mayor to be used in the evaluation of managerial employees.
 - b. Any comments or information provided by the alders shall be on a confidential basis and, pursuant to ~~Sec. Wis. Stats. § 19.36(10), Wis. Stats.,~~ shall not be made available to the public.
 - c. At least ninety (90) days prior to the specified renewal date in the contract of a managerial employee, the Human Resources Director shall notify all alders of such renewal date and the expiration date of the managerial employee's contract, and notify the alders that if they

wish to provide comments to the Mayor regarding the managerial employee, they should do so promptly.

4. Upon approval by the Common Council of salary adjustments for the other nonrepresented employees, the Finance Director shall calculate an amount of money for salary adjustment of the managerial employees. That amount shall be based on the sum of the percentage represented by the value of the step and longevity increases of all employees eligible to receive such increases, divided by the total salary of all employees other than the managerial employees, plus the percentage salary increase granted to nonrepresented employees other than the managerial employees multiplied by the total salary for the current year of all managerial employees. The Mayor shall recommend an amount for the salary adjustment based on the foregoing calculations or upon such criteria as the Mayor deems appropriate. The Common Council by simple majority vote shall establish the final amount available for the salary adjustment of affected employees and include the sum in the appropriate City budget.

In addition, the Common Council shall adopt appropriate ordinances each year amending Section 3.54 to advance the applicable salary ranges for each such position in a percentage equal to the adjustment granted the other nonrepresented employees in order to maintain the relative placement of the ranges. These ordinances shall maintain a minimum thirty-five percent (35%) increase from the minimum of the range to the maximum.

5. The Mayor shall receive all performance evaluation information and, upon that information, shall assign to each affected employee either a salary increase or decrease, expressed in terms of a percentage of the employee's previous year's compensation.

No employee's salary shall be increased in an amount greater than one hundred fifty percent (150%) of the increase granted to the other nonrepresented employees. The Mayor's decision shall be final.

No employee's salary shall be decreased by an amount in excess of one hundred fifty percent (150%) of the percentage adjustment of the other nonrepresented employee's salaries. In the event of a salary decrease, the provisions of ~~Section 3.53(16)~~ the Personnel Rules shall apply.

6. The Mayor shall not be required to expend all the monies provided by paragraph 4. hereof but shall not exceed that amount in making salary adjustments. All adjustments made shall be effective as of the effective date of adjustments for the other nonrepresented employees and payable as of the first pay period after the Mayor's announcement of the adjustments. The adjusted compensation of each employee shall be the basis for the succeeding year's adjustment.
 - (d) The adjustments to compensation based on performance shall be in lieu of any automatic step increase or longevity increase. The managerial positions listed in Subdivision (b) hereof are excepted from such increases.
 - (e) No incumbent's salary shall be changed by the adoption of this ordinance. The salaries of any incumbents of included positions which exceed the maximums of the base ranges provided by this ordinance, shall not be reduced by adoption of this ordinance. Further, and

notwithstanding any other provision hereof, the salaries of any incumbents which exceed the maximum of the base range shall constitute the range maximum for that position as of adoption of this ordinance. When the incumbent of the position at time of adoption vacates the position, the range maximum for that position shall be re-established as the maximum of the base range for the position according to Section 3.54(69)(c) hereof.

The salaries of incumbents of covered positions which do not exceed the maximums of the base ranges provided by this ordinance at the time of adoption may, by the merit provisions hereof, advance to the maximum of the base range established by adoption of this section.

Adjustments to compensation shall be cumulative and shall increase base salary until the employee's salary reaches the maximum of the employee's range as adjusted for the subsequent year. Employees whose salaries have reached the maximum may be granted salary adjustments pursuant to these provisions but any such adjustment which exceeds the employee's base range maximum as adjusted shall not be cumulative and shall apply only to the year in which granted.

- (f) Employment Contracts. All new positions in Compensation Group 21 and all existing positions in Compensation Group 21 as they become vacant shall be filled through the use of employment contracts pursuant to the system outlined in the Substitute Report of the Human Resources Committee Relating to Employment Contracts for Certain Managers, ID No. 3152, adopted August 2, 1988, Substitute Report ID 3152. Incumbents of positions in Compensation Group 21 as of the effective date of this ordinance may enter into such employment contracts at their option. Notwithstanding any other provisions of these ordinances, those incumbents of positions in Compensation Group 21 at the effective date of this ordinance who do not opt to enter into such employment contracts shall be subject to the reappointment procedures to terms in effect at the time of their respective most recent appointments to the five-year term. This subdivision shall not apply to the positions of Fire Chief or Police Chief. If the employment contract so states, then in the event any provision of the employment contract directly conflicts with any City ordinance, resolution, regulation, rule or policy, the provision of the employment contract shall apply, except that nothing in any employment contract shall be interpreted as modifying the provisions of Sec. 3.35. This paragraph shall also apply to all non-civil service positions in Compensation Group 19 filled by employment contracts where performance incentives are an integral part of the service provided. All contracts described herein shall be approved by resolution of the Common Council. If there are any changes in the duties of a position that would affect the classification, compensation, or training and experience requirements of the position between the time of initial posting of the position opening and the time of selection, the position shall not be filled; rather, the position as changed shall be posted again and a new application and selection process will be started.

(710) New Appointments and Promotions.

- (a) New appointments shall be made at the minimum rate in the salary range and the minimum rate in the vacation leave schedule unless the Mayor finds it impracticable to recruit qualified candidates at the minimum salary and/or minimum vacation leave entitlement in which case the Mayor or Police and Fire Commissioners may designate a beginning salary at any step within the fixed range and/or the Mayor may designate a beginning vacation leave entitlement at any step within the

vacation schedule which is deemed necessary to meet the existing conditions.

- (b) In case of the appointment of a City employee to a position in a higher range classification or upon promotion the appointee's ~~shall be entitled to a salary advancement to a step representing the next step higher salary amount in the applicable range except that in cases of inequities, the Personnel Board may recommend to the Common Council a beginning salary at any step within the fixed range which it deems necessary to meet the existing conditions~~ salary shall be set at the step closest to the employee's salary prior to promotion, but not exceeding the maximum of the new salary range, and that were possible, assures a five percent (5%) increase in pay. A new anniversary date shall be established and the first step increase in the new classification shall be effective the first day of the bi-weekly pay period following six (6) months of service and annually thereafter until the maximum of the salary range is achieved. At the request of the Appointing Authority, the Human Resources Director may authorize hiring above the minimum when the selected employee has exceptional qualifications and/or experience. If this occurs, the job announcement shall reflect that potential applicants may be hired above the minimum of the salary range.
- (c) No division or department head shall change the status of any employee in the civil service as to increase or decrease in rate of pay, other than automatic increases or cost of living salary adjustments, until he or she notifies the Human Resources Director, or in the case of uniformed Police and Fire personnel, the Board of Police and Fire Commissioners, in writing of such change and the reasons therefore, and receives a certification from the Human Resources Director, or in the case of uniformed Police and Fire personnel, the Board of Police and Fire Commissioners, that such action is in accordance with the ordinances fixed by the Council or action taken by the Personnel Board under the provisions of the ordinances, rules and regulations applicable thereto.

(811) Salary Advancement.

- (a) All employees hired on a permanent or limited term basis shall be granted their first basic salary increase on the first day of the biweekly pay period following ~~the satisfactory completion of a probationary period of not less than six (6) months of employment.~~ This section shall apply to all permanent or limited-term employees who complete six (6) months of employment on or after the effective date of this Ordinance.
- (b) Salary advancement for permanent or limited term employees shall be made to the next higher rate upon completion of each year of service until the maximum rate is received; provided, however, that the effective date of the advancement shall be the first day of the biweekly pay period following completion of the year of service; ~~and further provided,~~ The salary for permanent part-time employees shall be based on the ratio of their part-time employment to full-time employment. "Service" shall not be construed to be interrupted by absence of an employee while receiving, from the City of Madison, Worker's Compensation payments or full salary in lieu thereof for temporary disability.
- (c) ~~Step increments for the positions of Clerk, Clerk-Typist, Clerk-Steno, Transit Receptionist/Typist I, and Transit Receptionist/Typist II and Police Report Typist shall occur on six-month service time intervals commencing with successful completion of their probationary period until the maximum base step is reached. Upon completion of six (6) months' service at the maximum base step, Clerks, Clerk-Typists, and Transit Receptionist/Typist I Police Report Typists shall be advanced to the objective classifications of Clerk II, Clerk-Typist II, and Transit~~

~~Receptionist/Typist II Police Report Typist, respectively, at step three (3); Clerk-Steno shall be advanced to the objective classification of Clerk-Steno II at step two (2). The step increments thereafter shall be on an annual basis. The salary for permanent part-time employees shall be based on the ratio of their part-time employment to full-time employment. "Service" shall not be construed to be interrupted by absence of an employee while receiving, from the City of Madison, Worker's Compensation payments or full salary in lieu thereof for temporary disability.~~

- (d) Librarian 1 and Library Computer Specialist 1 who attain at least fifty-four (54) months of service as a Librarian 1 or Library Computer Specialist 1 and who possess a master's of library or information science shall be placed in the Librarian 2 or Library Computer Specialist 2 classification at Step 3 of that range on the later of their anniversary date or the pay period immediately following completion of the master's degree. The Library Computer Specialist 2 classification shall be exempt from the master's degree requirement. For the purposes of this section, anniversary date shall be defined as that date when a Librarian 1 or Library Computer Specialist 1 would begin the fifty-fifth (55) month of his/her service in that classification. All Librarian 1 or Library Computer Specialist 1 who become Librarian 2s or Library Computer Specialist 2 shall continue to advance through remaining Librarian 2 or Library Computer Specialist 2 steps after each twelve (12) months of service.
- (e) Street and Sewer Maintenance Worker 1 employees in the Engineering Division shall, upon successful completion of a full probationary period, be classified as Street and Sewer Machine Operator 1.
- (ef) Salary adjustments for employees shall become effective on the first day of the biweekly pay period following the effective date of the legislation providing for any such adjustment.
- (dg) In cases of reinstatement or reemployment in the same class where the beginning salary is set at or above the step earned by the employee at the time the employee left the service, the effective date for salary increases shall be the first day of the biweekly pay period following the completion of one (1) year of service. Where the salary is set at the minimum rate of the range or the employee is reinstated or reemployed at a lower class than that formerly held, the employment shall be considered as original employment for automatic salary increase purposes and the effective date of the first basic salary increase shall be the first day of the biweekly pay period following completion of a probationary period of not less than six (6) months.
- (eh) In cases of advancement to a higher classification the employee shall receive the first step increase in the new classification at the beginning of the first biweekly pay period following the satisfactory completion of a probationary period of not less than six (6) months.
- (fi) Where the promotion date coincides with an anniversary date, any step increase earned shall be considered prior to establishing the salary rate on promotion.
- (gj) The above step increases for civil service employees shall be granted automatically as set forth in this subsection ~~unless a department head makes a recommendation against such step increase in writing in the time fixed by the Personnel Board, which shall be before the increase shall go into effect. Any employee adversely affected by the recommendations of the department head shall be given a copy of such recommendations by such department head at or about the time they are filed with the Personnel Board and shall have a right to appeal to the~~

~~Personnel Board and be heard on the issue of the right to a step increase.~~

- (hk) ~~Effective January 1, 1985,~~ † The provisions of this subsection shall not apply to the salaries of managerial employees identified by positions in Section 3.54(6)(b).
- (912) Salaries of Officers Elected or Appointed for a Definite Term not Affected. The salaries of officers elected or appointed for a definite term and employees not under civil service shall not be affected by this ordinance unless otherwise provided.
- (4013) Positions Filled in Temporary or Acting Capacity.
- (a) Members of the Fire Department filling temporarily, or in an acting capacity, a position in a higher or different rank shall be entitled, while filling such position, to the salary pertaining thereto.
 - (b) Members of the Police Department filling temporarily, or in an acting capacity, a position in a higher or different rank shall be entitled, while filling such position, to the salary pertaining thereto.
 - (c) Members of Compensation Group 18 and 44 filling temporarily, or in an acting capacity, the full duties and responsibilities of a position within a higher salary range in Compensation Group 18 or 44 shall be entitled, while filling such position, to ~~the salary pertaining thereto at the step closest to the employee's current salary that assures an increase a~~ salary advancement to the minimum of the new range or to the lowest step in the new pay range which represents an increase of at least five percent (5%) over the current biweekly rate not to exceed the maximum of the range. Members of Compensation Group 18 and 44 filling temporarily, or in an acting capacity, the full duties and responsibilities of a position within Compensation Group 21 shall be entitled, while filling such position, to at least the minimum salary pertaining thereto.
- (4114) Overtime Compensation.
- (a) Overtime Compensation for ~~Nonrepresented Civil Service~~ Employees in Compensation Groups 18, 21 and 24-23.
 1. Overtime compensation shall be computed on the basis of forty (40) hours per week for field personnel and thirty-eight and three-quarters (38 3/4) for office personnel as established in Section 3.32(43) of these ordinances. Overtime shall not be computed on an hours-per-day basis.
 2. Prescheduled hours of paid leave including but not limited to vacation leave, holiday leave and compensatory time off shall be computed as working hours for purposes of this subdivision. Unscheduled hours of paid leave including but not limited to sick leave and other leaves granted on the day of notice or request and hours of unpaid leave shall not be computed as working hours for such purposes.
 3. Any employee included within the provisions of this section who is called to report back to work shall be paid pursuant to applicable rules and regulations including appropriate rates, but for not less than two (2) hours of regular straight time, provided, however, that such employees who are called to start working overtime hours between the hours of midnight and 6:00 a.m. shall be credited with a minimum of three (3) hours time worked only in the event such employee has not been directed to work beyond her/his assigned schedule or when such employee has not been called back to perform overtime work which commenced prior to midnight, or when an employee has on the previous day been directed to report to work early at a time prior

to 6:00 a.m. and works continuously through the regular starting time of her/his regularly scheduled hours.

4. Employees in Compensation Group 18, Ranges 9 and below and hourly employees shall be compensated at time and one-half their regular straight time rate of pay for all hours worked in excess of their standard hours of work per week established in Section 3.32(43) of these ordinances.
5. Employees in Compensation Group 18, Ranges 10, 11, 12, and 13 shall be compensated at their regular straight time rate of pay for all hours worked in excess of their standard hours of work per week established in Section 3.32(43) of these ordinances unless the appointing authority has declared an emergency in advance in which case such overtime hours will be compensated at time and one-half the regular straight time rate of pay. All declared emergencies are to be reported to the Mayor and reviewed annually by the Mayor and Department Heads.
6. The decision to compensate overtime hours worked in the form of money or compensatory time off shall be made by the employee's appointing authority. Compensatory time shall be taken off only at times mutually agreed to between the appointing authority and the employee. ~~However, appointing authorities of employees with compensatory time balances in excess of forty (40) hours as of the date of publication of this ordinance will submit plans to the Human Resources Director by December 31, 1996, showing how the balances will be reduced to forty (40) hours or less by December 31, 1998. Thereafter, a~~ All compensatory time balances shall be reduced to forty (40) hours or less by the end of each year, or by March 31 of the succeeding year with the approval of the Human Resources Director. Under special circumstances where workload makes it impractical for employees to meet the March 31 deadline, the Human Resources Director may extend the deadline to June 30.
7. Employees in Compensation Group 18, Range 14 and above and those in Compensation Groups 21 and 23 shall not be eligible to receive overtime compensation for any hours worked in excess of their standard hours established in Section 3.32(43) of these ordinances.
8. For employees in Compensation Group 23, professional time shall be available. Use of professional time in these situations will require approval by the appropriate Department Head who may grant requests giving consideration to program needs, the recognition that a professional employee usually works no less than an average of 38.75 hours per week, that the concept of professional time need not be approved on an hour for hour basis for extra work performed beyond the usual work hours and that a professional employee has a high degree of job responsibility and flexibility. The Department Head's approval may be for a single occurrence or for the continuing use of professional time as determined by the Department Head. The granting and use of professional time will not be unreasonably denied. No compensation for earned but not used professional time shall be owed an employee upon his/her termination of employment.

(b) ~~Overtime Regulations For Police Department.~~

1. ~~The overtime provisions of this subdivision shall apply to all commissioned members of the Madison Police Department who are not in a bargaining unit represented by MPPPOA.~~
2. ~~Definitions. The term "overtime" shall be defined as authorized work performed in excess of the regular work day or work week.~~
3. ~~Overtime Compensation Rates.~~
 - a. ~~Compensation for overtime work shall be paid at the rate of time and one-half (1 1/2) the employee's regular rate of pay.~~
 - b. ~~Compensation for each continuous hour worked in excess of twelve (12) consecutive hours shall be paid at the rate of double (2) times the employee's regular rate of pay.~~
4. ~~Limitation on Compensatory Overtime Accumulation.~~
 - a. ~~Employees included within the provisions of this subdivision may at their option elect to accrue compensatory leave time at the rate of one and one-half (1 1/2) times in lieu of receiving overtime cash payments up to a maximum accumulation of one hundred twenty (120) hours of compensatory time.~~
 - b. ~~All overtime hours in excess of the maximum accumulation (120 hours) shall be paid in cash in the pay period following such excess accumulation.~~
5. ~~Call Back and Court Appearances.~~
 - a. ~~Employees included within the provisions of this subdivision who are, when on an off duty day or on vacation, called back to duty or ordered or subpoenaed to give testimony about events arising out of their employment, shall be paid or compensated for a minimum of three (3) hours at the rate of time and one-half (1 1/2) the employee's regular rate of pay.~~
 - b. ~~Employees included within the provisions of this subdivision who are on duty date, called back to duty or ordered or subpoenaed to give testimony about events arising out of their employment, shall be paid or compensated for a minimum of two (2) hours at the rate of time and one-half (1 1/2) the employee's regular rate of pay, unless such work is scheduled within one (1) hour of the employee's regular duty shift.~~
 - c. ~~Accrual of overtime under the provisions of this paragraph shall continue while the employee is required to be present in court outside of the employee's regular duty hours, and shall include the time during noon recess of the court.~~
6. ~~Court Appearance Cancellation. Two (2) hours of pay or compensatory time at the rate of one and one-half (1 1/2) times shall be paid to employees scheduled to appear in court if the employee is notified of a court appearance cancellation within twenty-four (24) hours of the scheduled court appearance time.~~
7. ~~Shift Adjustment Premium. Employees included within the provisions of this subdivision shall be paid at the rate of time and one-half (1 1/2) the employee's regular rate of pay for hours worked outside of their regularly assigned shift when said shift is temporarily adjusted without the prescribed period of notice.~~
8. ~~This subdivision shall not apply to the Chief of Police.~~

~~9. Only overtime work, when such overtime work is related to emergency duty as determined by the Chief of Police, subject to the approval of the Mayor, performed by employees of the rank of Police Inspector may be compensated for, at the rate of time and one-half (1 1/2) their regular rate of pay or compensatory time off at the same rate.~~

(c) Overtime Compensation for Other Civil Service Employees.

1. Time and one-half rate of pay or compensatory time off at the rate of time and one-half shall be provided for all work beyond the normal, assigned work day or work week as established in ~~Sec. 3.32(4)~~ for that particular classification; provided, however, that hourly employees shall receive overtime at the rate of time and one-half for assigned work performed in excess of the standard hourly work week established in ~~Sec. 3.32(4)~~ for their particular classification.
2. Hours of vacation, sick leave, holidays, or any other compensated hours not worked shall be computed as working hours for purposes of this subsection.
3. Two (2) times the rate of pay or compensatory time off shall be provided for all hours worked in excess of twelve (12) consecutive hours. Employees may decline any hours of overtime in excess of sixteen (16) consecutive hours without penalty.
4. Overtime "pyramiding" shall be prohibited in that weekly overtime premiums shall not be paid for hours covered by daily overtime premium payments.
5. Any employee included within the provisions of this section who is called to report back to work shall be paid pursuant to applicable rules and regulations including appropriate rates, but for not less than two (2) hours of regular straight time, ~~provided, however, that such e~~ Employees who are called to start working overtime hours between the hours of midnight and 6:00 a.m. shall be credited with a minimum of three (3) hours time worked, only in the event such This provision shall not apply when the employee has not been directed to work beyond his/her assigned schedule, or when such the employee has not been called back to perform overtime work commencing which commenced prior to before midnight, or when an the employee has on the previous day been is directed during the previous day to report early the following day to work early at a time prior to 6:00 a.m. and works continuously through the regular starting time of his regularly scheduled hours. Guaranteed report time shall end at the beginning of the employee's regularly scheduled shift. For Compensation Group 15 only, employees reporting for call-in assignments shall commence to accrue overtime twenty (20) minutes before they report. This time will be included in the two (2) or three (3) hour call-in minimum, provided the employee reports for duty within one (1) hour from the time of the call-in.
6. The decision to compensate extra hours worked in the form of overtime pay or compensatory time off shall be made by the Cityemployee.

Compensatory time off is to be granted only at a time mutually agreed to between the employee and the department head. All compensatory balances shall be reduced to eighty (80) hours or less by the end of each year. For Compensation Group 15, Fleet Service only, the total compensatory time off shall not

exceed a total of sixty (60) hours. However, the employer may elect to carry over such accrued compensatory time for selected classifications of employees. Employees so affected shall be paid for all accrued compensatory time in excess of eighty (80) hours by the pay period ending nearest May 1st of the following year. Maximum compensatory time balances by compensation group or position classification within each Division will not be adjusted without the mutual agreement of the parties.

7. All accrued compensatory time in excess of department-established maximums shall be paid on the payday immediately preceding December 15.

8. Occasional overtime assignments do not constitute a work schedule change. No employee shall be penalized for any reasonable inability to work overtime provided sufficient employees are available to meet the requirements of the City. If sufficient employees are not available to work the overtime assignment, the junior employee within the job classification, who is capable of satisfactorily performing the work, shall be required to accept the overtime assignment.

9. In the event a Parking Enforcement Officer is notified of the cancellation of a court appearance on a scheduled day off with less than twenty-four (24) hours notice, the Officer will receive two (2) hours compensation at the overtime rate.

7.10. Overtime regulations of this section shall not apply to employees in Compensation Group 18, Compensation Group 21, 23, or Compensation Groups 43 and 44.

~~(12) — Shift Differentials and Undesirable Hours — Police Department.~~

~~(a) — All commissioned officers of the Madison Police Department regularly assigned to a shift falling between the hours of 12:00 noon and 9:00 p.m. shall be paid a shift differential of seven dollars (\$7) per biweekly pay period.~~

~~(b) — All commissioned officers of the Madison Police Department regularly assigned to a shift falling between the hours of 2:00 p.m. and 11:00 p.m. shall be paid a shift differential of thirteen dollars (\$13) per biweekly pay period.~~

~~(c) — All commissioned officers of the Madison Police Department regularly assigned to a shift falling between the hours of 4:30 p.m. and 1:00 a.m., or 10:00 p.m. and 7:00 a.m., shall be paid a shift differential of seventeen dollars (\$17) per biweekly pay period.~~

~~(d) — All commissioned officers of the Madison Police Department regularly assigned to a shift falling between the hours of 5:30 p.m. and 3:00 a.m., shall be paid a shift differential of twenty dollars (\$20) per biweekly pay period.~~

~~(e) — All commissioned officers of the Madison Police Department regularly assigned to work more than one (1) shift during a biweekly pay period on a relief basis to fill positions vacated by days off shall be paid a shift differential of twenty dollars (\$20) per biweekly pay period, providing the starting times for the shifts differ by a minimum of three (3) hours.~~

~~(f) — All commissioned officers of the Madison Police Department with shifts starting work on Sundays shall be paid an additional sixty-five cents (\$.65) per hour. Officers called to work on Sundays for other than a complete shift will also receive an additional sixty-five cents (\$.65) per hour. This subdivision is intended to apply to all work normally recorded on the payroll as Sunday work. It shall not apply to shifts which begin on Saturday and end on Sunday. It shall apply to entire shift which begins on Sunday but may end on Monday.~~

~~(13) Holiday Compensation for Police Department. All hours worked by commissioned personnel of the Police Department who are not members of a recognized bargaining unit on holidays, except when performing voluntary assignments including but not limited to parks patrol and boat patrol, should be compensated for solely at a double (2) time rate in addition to the one (1) day's base rate pay or time off granted by Sec. 3.32(8). Such voluntary assignments shall be paid at the straight time rate.~~

~~(14) (R. by Ord. 6844, 12-14-79; Renum. by ORD-07-00048, 4-12-07)~~

(15) Uniforms and Safety Shoes. Subject to the rules of the department concerned the City of Madison shall provide the original complete uniform for those members of the Police and Fire Departments who are not members of recognized bargaining units required to wear a uniform and such uniform shall remain the property of the City.

Thereafter the City of Madison shall contribute one hundred percent (100%) of the annual uniform expense of any member of either department required to wear a uniform but not to exceed eighty dollars (\$80) per year for firefighters or ninety-six dollars (\$96) per year for police officers unless approved by the Chief of the appropriate department. This amount may be accumulated over a period of three (3) years. The maximum accumulation shall not exceed two hundred forty dollars (\$240).

In addition, the City of Madison shall reimburse each police officer and firefighter for damage to clothing and other required appendages resulting while in "performance of duty."

For all other departments requiring uniforms as a working condition, the City will continue to provide uniforms and safety shoes in the same manner as it did prior to January 1, 2015.

(16) Longevity Provisions.

(a) All permanent full-time and permanent part-time employees as defined in Sec. 3.32(1)(a) except those managerial employees identified by position in Section 3.54(69)(b) who reside in the City of Madison shall receive longevity pay calculated to the nearest dollar, which longevity pay shall be based on a percentage of base pay in accordance with the following schedule:

1. Three percent (3%) of base pay beginning with the fifth (5th) year of continuous employment.
2. An additional three percent (3%) (total 6%) of base pay beginning with the tenth (10th) year of continuous employment.
3. An additional two percent (2%) (total 8%) of base pay beginning with the fourteenth (14th) year of continuous employment.
4. An additional one percent (1%) (total 9%) of base pay beginning with the sixteenth (16th) year of continuous employment.
5. An additional one percent (1%) (total 10%) of base pay beginning with the eighteenth (18th) year of continuous employment.
6. An additional one percent (1%) (total 11%) of base pay beginning with the twentieth (20th) year of continuous employment.
7. An additional one percent (1%) (total 12%) of base pay beginning with the twenty-fifth (25th) year of continuous employment, effective with the pay period which includes January 1, 2003.

~~The exception of identified managerial employees from this provision is effective January 1, 1985.~~

Prospectively, † The foregoing schedule of longevity increases shall be reduced by one (1) percentage for those employees in Compensation Group 18 who do not reside in the City of Madison.

- (b) For purposes of longevity pay, leaves of absence without pay granted in accordance with Sec. 3.32(54) of the ordinances shall not operate to break continuous employment; however, such authorized leave in excess of thirty (30) days shall not be counted in determining qualification for the period specified in Sec. 3.54(16)(a) above. This same principle shall apply to employees in layoff status, i.e., time spent in layoff status shall not operate to break continuous employment within the meaning of this ordinance; and shall not be counted in determining qualifications for the longevity periods specified in Sec. 3.54(16)(a) above.
- (c) Employees who are paid in excess of the total maximum rate for their classification shall receive only that part of longevity pay which is in excess of the difference between the total maximum for their classification and their current salary.
- (d) Longevity payments shall be effective on the first day of the bi-weekly pay period following the completion of the required length of service.
- (e) Upon promotion of a prevailing rate employee to a permanent civil service position prior service credit shall be granted for such continuous full-time service as such service time applies to the longevity schedule.
- ~~(f) The Personnel Board shall make any necessary regulations for the administration of this subsection~~
- (gf) In the event that a seasonal or limited term employee shall move from the status of seasonal or limited term to the status of permanent without an interruption of work, then any such employee upon completion of probation shall have their longevity credit date established by dividing the total number of hours worked from the first date of employment followed by continuous service by the normal daily hours rounded up to the nearest full day, however, probation and base salary increases shall be related to the date of permanent employment.
- (hg) Definitions.
 1. For the purpose of this subsection "permanent employment" is defined as follows: a part-time or full-time budgeted position of indefinite duration for performance of a set of functions which requires employment for at least fifty percent (50%) of a regularly established full-time work week.
 2. For the purpose of this ordinance "continuous employment" is interpreted to mean year-round employment as evidenced by uninterrupted payment on the payroll. "Continuous employment" shall not be construed to be interrupted by absence of an employee while receiving from the City of Madison Worker's Compensation payments or full salary in lieu thereof for temporary disability.
 3. "Layoff status" is meant to include employees laid off from a permanent City position in accordance with Personnel Rules and who because of such layoff qualifies under layoff rules and procedures to have his/her name entered on the reemployment register or a person laid off pursuant to the provisions of ~~Sec. Wis. Stats. § 62.13, Wis. Stats.~~

(17) Premium Pay.

- (a) Night and Holiday Differential. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment of ~~twenty-five~~ seventy-five cents (~~\$.2575~~) per hour for any and all authorized work performed between the hours of 6:00 p.m. and 6:00 a.m. Monday through Friday, on a Sunday or for hours worked on any designated holiday.
- (b) Sunday Differential. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment of forty-five cents (\$.45) per hour for any and all work performed on any Sunday.

Employees in Compensation Group 15 will receive one dollar (\$1.00) per hour for work on a Sunday between 6:00 p.m. and 6:00 a.m.

- (c) Emergency and Scheduled Maintenance Work. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment according to the following schedule whenever they are assigned to perform emergency and scheduled maintenance work on communication towers or structures:

<u>Working Height Measured From Base of Tower or Structure</u>	<u>Rate of Compensation</u>
Up to 50 feet	Straight time the employee's regular hourly rate.
51 to 95 feet	Time and one-half (1 1/2) the regular hourly rate.*
96 to 150 feet	Two (2) times the employee's regular hourly rate.*
Over 150 feet	Three (3) times the employee's regular hourly rate.*

A minimum payment of forty dollars (\$40) shall be made for all emergency or scheduled repair work performed over ninety-five (95) feet in height. A minimum payment of forty dollars (\$40) shall be made for all work performed between fifty-one (51) feet and ninety-five (95) feet in height while on overtime.

*This rate of pay shall not be subject to the overtime provisions of Sec. 3.54(11) of these ordinances.

- (d) Employees of the Library who are designated Multi-Site Library Assistants shall be paid a premium of five percent (5%) of their base pay, including overtime.
- (de) Subdivisions (a), (b), and (c) and (d) of Subsection (4719) hereof shall not apply to employees in Compensation Groups 21, 23, 18, or 44.
- (18) Holiday Leave Plan. Except for employees covered in Section 3.38, all permanent employees in Compensation Groups 17, 18, and 19 required to work on a designated holiday as defined in Sec. 3.32(7) except where compensation for such work is covered by agreement, shall be compensated at two (2) times the regular straight time rate of pay plus a paid day off later to be scheduled at a time mutually agreed to between the employee and the department head in lieu of any overtime compensation.
- (19) Overclassification Out-of-Class Pay. ~~A nonrepresented~~ Employees eligible to receive overtime, who by assignment performs the work in a position of a classification that falls in a pay range which is higher than the pay range of ~~such~~ the employee's classification, shall receive an additional compensation of thirty cents (\$.30) per range per hour per pay range for each hour of performance of such work. Employees in Compensation Group 15 shall receive fifty cents (\$.50) per range per hour of work. This subsection shall not apply to employees in Compensation Groups 21, 23, 18, or 44.
- (20) Vacation Pay Advance. ~~Employees shall be permitted to receive a biweekly paycheck in advance of the normal biweekly payday provided that:~~
- (a) ~~The employee requests to receive the advance biweekly paycheck no earlier than nineteen days prior to the normal payday and no later than fourteen days prior to the normal payday.~~
- (b) ~~The request to receive the advance biweekly paycheck is approved by the Department or Division Head.~~
- (c) ~~The employee will be on paid vacation leave for five consecutive days, one of which shall be the normal biweekly payday and one of which shall be the day preceding the normal biweekly payday. Advance paychecks~~

~~requested in this manner shall be limited to two per calendar year per employee.~~

- (2420) Standby Pay. Any permanent employee assigned to be on standby duty for emergency maintenance or repair work during hours outside the employee's general work schedule shall be compensated at the rate of one dollar and twelve cents (\$1.12) per hour for such assignment. Beginning on January 1, 2016, this amount will increase by three cents (\$.03) each calendar year until reaching a maximum of one dollar and fifty cents (\$1.50) per hour. An employee who is on standby duty shall be immediately accessible by telephone and/or by portable radio and/or by pager as determined by the employer. An employee who cannot be immediately contacted while on standby duty or who does not report to the work site within a reasonable period after time of having received notice shall not be eligible for standby pay for that day. Standby duty shall not be counted as hours worked. Employees called in for overtime work from standby duty shall be compensated for such time worked pursuant to applicable contract provisions and ordinances and for such period of time worked shall not receive standby pay. This subsection shall not apply to employees in Compensation Group 21 or to employees in Compensation Groups 18 and 44, Range 14 and above.
- (2221) Participation in Supplementary Retirement Program. All permanent employees of the City may, at their option, participate in the Supplementary Retirement Programs administered by the City pursuant to rules and regulations therefore as are or may be established by the City.
- (2322) Credit for Past Services. Credit for past services for present employees whose salaries are being adjusted to the new salary schedule shall be prescribed by the rules and regulations of the Personnel Board.
- (2423) Salaries of Incumbents not Reduced. While it is the intention of the Common Council in this ordinance to establish definite salary ranges for designated City positions, nevertheless, salaries of incumbents of positions who are receiving more than the maximum base rate of the range shall not be reduced by the passage of this ordinance.
- (2524) Only Basic Salaries Established. This ordinance shall be deemed to establish only basic salaries.
- (2625) Health Insurance.
- (a) Employees registered in domestic partnerships under Section 39.03(11), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Public Employers' Group Health Insurance Plan.
- (b) The City will continue to make contributions toward the cost of health insurance coverage for any employee in a permanent position that is subject to layoff as a result of a lack of work or funding provided the employee has no other comparable coverage. The City contribution shall continue for three (3) consecutive months following the effective month of the layoff in the same manner and at the same rate as provided prior to the layoff. The City may terminate contributions prior to the end of the three (3) month period if the affected individual obtains comparable health insurance coverage through another source. This ordinance applies to all City employees covered by health insurance provided by the City on or after January 1, 2009.
- (27) ~~If an employee not enrolled in the City health insurance plan enrolls in said plan prior to retirement, the City agrees to reimburse the employee for three (3) months premium gap that occurs because he or she is required to participate in the "Standard Plan" offered by the Wisconsin Public Employer's Group Health Insurance plan for that period before he or she can enroll in other health care provider options. The premium gap means the difference between the normal City contribution and the cost of the "Standard Plan" premium. Reimbursement for the excess premium amount paid shall be made as soon as possible after the~~

~~employee retires. Each employee is entitled to the premium gap payment one time. For example, if an employee enrolls in a family plan and is required to enroll in the Standard Plan, the City will make its normal premium contribution and it will reimburse said employee, after his or her retirement, for the difference between said contribution and the premium paid by the employee for the Standard Plan for the three (3) month period.~~

~~(2826)~~ Ordinances in Conflict Repealed. All ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed.

~~(2927)~~ Additional Contributions to Wisconsin Retirement Fund. Pursuant to the authority granted by Wis. Stat. § 40.05(2)(g), the City of Madison shall make additional contributions to the Wisconsin Retirement Fund for those persons who have served in an elective position for two or more terms, each year of which could qualify for Wisconsin Retirement System coverage, and who subsequently become Mayor. When such person establishes eligibility for the contribution to the City's Wisconsin Retirement System regular agent, the agent shall promptly certify the eligibility to the System.

~~(30)~~ The City will contribute the amount set forth in the collective bargaining agreement between the City and AFSCME Local 60 in the form of a voucher check toward the purchase of approved safety shoes for non-represented permanent employees required to wear them.

~~To claim the contribution, an employee must present the new shoes, along with proof that the shoes meet all required specifications, and the original dated sales slip bearing the employee's name and clearly identifying the specific pair of shoes. Employees must submit their claim to their supervisor in the calendar year of purchase. Employees may submit only one claim per calendar year.~~

~~(3428)~~ Bus Pass Subsidy. For the exclusive use of employees in Compensation Groups 17, 18, 19, 43 and 44 all permanent, limited-term, hourly and seasonal employees who purchase one of the bus passes specified below and who utilize such pass for their mode of transportation to and from work, the employer shall provide a subsidy for such employees toward the cost of such bus passes as provided in the following schedule:

<u>Madison Metro Passes</u>	<u>Bus Subsidy</u>
Commuter Pass	\$15.75
Monthly Pass	\$15.75
Convenience Ticket Books (Paratransit)	\$15.75
Adult QUIK-TIX Tickets	\$ 7.90
Convenience Ticket Books (Persons with disabilities)	\$ 7.90

~~Such employees may purchase bus passes on a pre-tax basis at such time as the program is established. In the event that and for so long as the City implements and maintains an Unlimited Ride Pass Program on Madison Metro for City employees, current employees shall be eligible to obtain such pass at no charge. While the Unlimited Ride Pass Program remains in effect, subsidized bus passes will not be available for City employees."~~

2. The City Attorney is directed to make corresponding changes to other City ordinances to reflect these changes related to Chapter 3.