

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED July 7, 2015
REFERRED CER

Amending Sections 3.32(3), 3.54(14)(b)5., 3.54(15) and 3.54(17) of the Madison General Ordinances to harmonize the ordinances with the Employee Benefits Handbook for General Municipal Employees.

Drafted by: Patricia Lauten

Date: July 1, 2015

SPONSOR: Mayor Soglin

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. On December 2, 2014, the Common Council enacted ORD-14-00173 which made changes to Sections 3.32 and 3.54 of the Madison General Ordinances to include former represented employees whose labor agreements expired on January 1, 2015. On June 16, 2015 a Resolution was introduced to the Common Council (Legistar #38891) adopting the Employee Benefits Handbook for General Municipal Employees. This ordinance makes further changes to Sections 3.32(3), 3.54(14) 3.54(15) and 3.54(17) to harmonize the ordinances and the Employee Benefits Handbook.

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

1. Subsection (3) entitled "Standard Workweek, Hours Per Week, Per Day" of Section 3.32 entitled "Absence Of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(3) 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

Approved as to form:

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.

- (e) For employees in Compensation Group 15, hourly employees are defined as persons who were hired for the period of April through the Friday following the Thanksgiving Holiday, and may be assigned to perform a variety of jobs as vacation replacements.
- (f) For employees in Compensation Group 16 and 20, Seasonal employees are defined as persons who are employed and/or re-employed on a temporary basis for seasonal work of a temporary nature. Hourly employees are persons who are employed on a temporary basis or in continuously-filled positions working on average less than fifty percent (50%) time.
- (g) Seasonal and hourly employees in Compensation Groups 16 and 20 shall work no more than one thousand one hundred eighty (1,180) hours in a calendar year. The City will not rotate seasonal and hourly employees in and out of a job to provide a continuously-filled position.
- (h) Employees in Compensation Groups 15, 16 and 20, who work beyond the calendar or hours limitations outlined in (e) through (g) above shall receive triple time for all hours worked beyond the limitations.
- (i) Employees in Compensation Group 31 are classified as Library Pages. There is no limitation on the duration or number of hours a Library Page can work.
- (j) 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."

2. Paragraph 5. of Subdivision (b) entitled "Overtime Compensation for Other Civil Service Employees" of Subsection (14) entitled "Overtime Compensation" of Section 3.54 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"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. Employees in Compensation Groups 16, 20, 32, 33 and 71 who are called in for overtime work shall be granted a minimum of two (2) hours of overtime unless the two (2) hours of work overlaps with the employee's normal work day. 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 unless the three (3) hours of work overlaps with the employee's normal work day. This provision shall not apply when the employee has been directed to work beyond his/her assigned schedule, when the employee has not been called back to perform overtime work commencing before midnight, or when the employee 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."

3. Subsection (15) entitled "Uniforms and Safety Shoes" of Section 3.54 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"(15) Uniforms, and Safety Shoes, and Tools. In the event that an employee is required, as a condition of his/her employment, to wear a uniform or other special clothing, identification patch or material, safety shoes or other protective gear or device or have certain tools, such articles shall be furnished by the City. The City shall replace uniform items damaged as a result of the performance of duty. Uniform

items lost or damaged due to proven negligence by the employee shall be replaced by the employee at his/her own expense.

(a) Non-Represented Police and Fire. 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 but who are 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.~~

(b) Parking Enforcement Officers. The City shall provide the original complete uniform to Parking Enforcement Officers. Such uniform shall remain the property of the City. The City shall replace uniform items as needed by normal wear and tear to an amount not to exceed three hundred dollars (\$300) unless approved by the Chief of Police. This amount will increase on the date of any wage increase each year thereafter by the percent of wage increase granted if any. This amount may be accumulated over a period of three (3) years but shall not exceed a maximum accumulation of four hundred dollars (\$400).

(c) Seasonal and Hourly. Following three (3) months of continuous employment seasonal and hourly employees required to wear safety shoes shall be entitled to reimbursement consistent with the annual limitation on reimbursement for permanent employees.

(d) Crossing Guards. The City shall provide protective clothing consisting of a safety vest, an orange raincoat and an orange parka. In addition to the protective clothing the City will provide a clothing allowance up to one hundred and fifteen dollars (\$115) per year towards the purchase of hats, scarves, sweaters, gloves, waterproof pants and boots. Newly hired Crossing Guards shall not be eligible to receive reimbursement during the first month of employment. Upon completion of their first month of employment, the clothing allowance shall be retroactively applied.

(e) Safety Shoes. The City may require the wearing of industry approved safety shoes for foot protection. The City shall reimburse those permanent employees required to wear safety shoes at a rate of eighty dollars and fifty cents (\$80.50) per year. This amount will increase two dollars (\$2.00) per year beginning on January 1, 2016 to a maximum amount of one hundred dollars (\$100). Employees may choose to purchase one pair of shoes every two years and be reimbursed for twice the annual amount. Employees classified as Parking Service Workers may use the eighty dollars and fifty cents (\$80.50) per year reimbursement for clothing and shoes. This amount will increase two dollars (\$2.00) per year beginning on January 1, 2016 to a maximum amount of one hundred dollars (\$100).

(f) Tool Allowance. For employees in Compensation Group 15, a tool allowance of twenty dollars (\$20) per month shall be paid to employees with the following classifications: Automotive Maintenance Worker 2, Automotive Mechanics, Welder, Master Mechanic, Master Automotive Body Technician. Automotive Maintenance Workers will be paid a tool allowance if/when the employee has the required tools to perform the duties assigned. The employer agrees to provide coverage on the mechanical tools described in detail and approved by the Employer for each employee required to furnish his own tools. Such coverage shall be against loss or damage directly caused by the risks and perils specified in a Standard Inland Marine Tool Floater Policy subject to the following conditions:

1. A five hundred (\$500) dollar deductible shall apply to each mechanic's claim for each occurrence;
2. The maximum coverage provided by the City for any mechanic shall not exceed seven thousand dollars (\$7,000) for each occurrence;
3. The City at its option shall replace the lost or damaged tools or reimburse the employee based on current replacement value. When calculating the amount to be

reimbursed, depreciation will be applied to all electrical and pneumatic tools using a life expectancy of ten (10) years.”

4. Subdivisions (a) entitled “Night and Holiday Differential” and (b) entitled “Sunday Differential” of Subsection (17) entitled “Premium Pay” of Section 3.54 entitled “Compensation Plan” of the Madison General Ordinances is amended to read as follows:

- “(a) Night and Holiday Differential. All permanent civil service employees eligible to receive overtime pay, shall receive an hourly premium payment of seventy-five cents (\$.75) 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 Groups 15, 16, 20, 32 and 33 will receive one dollar (\$1.00) per hour for authorized work on a Sunday ~~between 6:00 p.m. and 6:00 a.m.”~~