

LEGISTAR #61602 – Body

DRAFTER'S ANALYSIS: The City created the Department of Transportation and Director of Transportation in 2018. At that time, the Director of Transportation had no direct employee reports. In 2019, several employees became direct reports to the Director of Transportation. This ordinance amendment adds the Director of Transportation as an employee supervisor to reflect the current personnel structure.

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

Section 3.38 entitled “Nonrepresented Transit Division Employees” of Subchapter 3B entitled “Qualifications of Officials and Employees” of Chapter 3 entitled “Officials, Boards, Employees and Public Records” of the Madison General Ordinance is amended as follows:

“3.38 - NONREPRESENTED TRANSPORTATION/TRANSIT DIVISION EMPLOYEES.

- (1) The following designated employee benefit provisions shall apply to nonrepresented members of the Department of Transportation and/or Transit Division (herein called "employees"), ~~except for employees~~ in Compensation Groups 43 and 44, except for employees in Compensation Group 21, notwithstanding any other provisions of Sections 3.30, 3.53, 3.32 and 3.54 of the Madison General Ordinances to the contrary.

(a) Employment Status Definitions for Department of Transportation and/or Transit Division .

| | | |
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| 1. | Full Time - | A full-time permanent employee is defined as any employee who is scheduled to work forty (40) or more hours per week on a continuing basis for a term of longer than one (1) year. |
| 2. | ¾ Time - | A ¾ time permanent employee is defined as any employee who is scheduled to work at least thirty (30) but less than forty (40) hours per week on a continuing basis for a term of longer than one (1) year. |
| 3. | Part-Time - | A part-time permanent employee is defined as any employee who is scheduled to work at least twenty (20) but less than thirty (30) hours per week on a continuing basis for a term of longer than one (1) year. |
| 4. | Long-Term Hourly - | A long-term hourly employee is defined as any employee who works less than twenty (20) hours per week on a continuing basis for a term of longer than one (1) year. |
| 5. | Limited Term - | An employee in a budgeted part time, ¾ time or full time position which requires continuous employment for at least 50% of the regularly established full time work week for the duration of a project which is/are anticipated to last less than four (4) years. |

(b) Absence of Employees from Duty .

1. Vacation Leave .

- a. Effective January 1 of each year, all permanent full-time employees who have completed the required period of service shall receive the vacation leave indicated below:
 - i. Employees who have completed one (1) year of service shall receive five (5) days of vacation leave with pay;
 - ii. Employees who have completed two (2) years of service shall receive ten (10) days of vacation leave with pay;
 - iii. Employees who have completed seven (7) years of service shall receive fifteen (15) days of vacation leave with pay;
 - iv. Employees who have completed twelve (12) years of service shall receive twenty (20) days of vacation leave with pay; and
 - v. Employees with nineteen (19) years of service shall receive twenty-five (25) days of vacation leave with pay.
 - vi. Employees with less than one (1) year of service on January 1 of any year shall receive paid vacation day as follows:

Hired during January/February of previous year: 5 days
Hired during March/April of previous year: 4 days
Hired during May/June of previous year: 3 days
Hired during July/August of previous year: 2 days
Hired during September/October of previous year: 1 day
Hired during November/December of previous year: days

- b. Any employee with more than one (1) year of service whose employment is terminated for any reason prior to December 31st of any year of service, shall be paid for vacation leave earned prior to the date of termination prorated on the basis of the number of months worked related to his/her total vacation allowance, adjusted to the nearest first of the month.
 - c. The scheduling of all vacation leave must be pre-approved by the Director of Transportation and/or Transit Manager.
 - d. Employees on an approved leave of absence shall continue to accrue vacation leave at the regular rate while on sick leave for not more than three (3) months. If such leaves of absence exceeds three (3) months, vacation leave shall be earned on a prorated base. Employees receiving worker's compensation temporarily disabled pay shall continue to earn vacation leave at the regular rate.
 - e. All vacation leave earned must be taken by the employee and no employee shall be entitled to vacation leave pay in lieu of vacation leave except upon termination.
 - f. Employees may elect to substitute vacation in the event of sickness, accident or emergency.
 - g. Vacation leave not taken within the year authorized may be carried over to the next succeeding year with the approval of the Director of Transportation.
2. Leave of Absence.
- a. The Director of Transportation and/or Transit Manager may grant leaves of absence without pay not to exceed a period of thirty (30) days. Permission for any extension must be secured from the Director of Transportation and/or Transit Manager. If an employee, while on leave of absence, obtains employment with another employer without having obtained permission to do so from the Director of Transportation and/or Transit Manager, he/she shall be subject to discharge. All leaves of absence or extensions granted thereof shall be in writing.
 - b. The Director of Transportation and/or Transit Manager may grant a leave of absence without pay for pregnancy, childbirth and maternity of up to one (1) year from the time the leave is granted. Permission for extension must be secured from the Director of Transportation and/or Transit Manager. Upon return from such leave of absence, the employee shall be reinstated to the job classification which she held when the leave began without a decrease in rate of compensation or any other right or privilege of employment. In addition, a leave granted for the above-cited reasons shall allow the employee to accrue seniority during the period of absence. All such leaves of absence or extensions thereof shall be in writing
 - c. The Director of Transportation and/or Transit Manager shall make every effort to allow paternity leave without pay for an attending spouse during childbirth and the day of the mother's discharge from the hospital.
3. Sick Leave.
- a. Permanent full-time employees shall earn sick leave at the rate of one-half ($\frac{1}{2}$) day per biweekly pay period to a one hundred sixty-three (163) day maximum.
 - b. Sick or injured employees shall not receive sick leave benefits except for scheduled work hours on scheduled work days.
 - c. Employees in Compensation Groups 43 and 44 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 cash equivalent of one hundred percent (100%) of the employee's 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.
 - d. Employees earning sick leave in excess of one hundred fifty (150) days shall receive a cash sum equivalent to the employee's regular salary times the number of any unused

excess days, which payment is to be made on the pay day immediately preceding December 25th.

4. Death Benefits.

a. Upon notification to the Director of Transportation and/or Transit Manager, paid funeral leave of up to three (3) working days will be granted for necessary absence from work caused by death in an employee's immediate family. Immediate family shall be limited to parents, brother, sister, spouse, children, foster children, grandchildren, legal guardian, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, great grandparents; a designated family partner, his or her parents, stepparents, brother and sister, and a spouse's or designated family partner's step brother, step sister, children, foster children, grandchildren, son-in-law, daughter-in-law, grandparents, and great grandparents.

5. Holidays.

a. All permanent full-time employees shall be allowed time off and compensated at a straight time rate of pay for the following regular holidays:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Employee's Birthday*
- Five (5) Floating Holidays**

*Effective January 1, 1992, the employee's birthday will cease to be a paid holiday.

**Subject to the provisions of subparagraphs b. and c. below.

- b. Floating holidays are to be taken as holidays during the year authorized. If any floating holidays are not taken within the year authorized they may be carried over to the next succeeding year period with the approval of the Director of Transportation and/or Transit Manager. Employees must schedule their floating holiday on days approved in advance by their supervisor.
- c. On the date of hire and on each subsequent January 1st each employee shall receive five (5) floating holidays. Following the first complete year of service, an employee not completing a full year of service because of an authorized leave of absence shall receive floating holidays proportionate to the full months of service completed in the preceding year.
- d. Employees receiving worker's compensation temporary disability pay shall earn floating holidays at the regular rate.
- e. In those cases where employees must perform required duty on the holidays listed, they shall earn compensatory time off at a double time rate; such time off to be taken at a time which is agreeable to the employee and the Director of Transportation and/or Transit Manager.
- f. Employees required to work on Martin Luther King, Jr.'s Birthday and the day after Thanksgiving shall receive additional floating holiday(s) in lieu of any premium compensation for working on that day(s).
- g. If a regular holiday or a birthday holiday falls within a vacation period for an employee, he/she shall receive compensatory time off at a straight time rate which can be taken at a later date with supervisory approval. Employees are entitled to holiday compensation if the holiday falls within the first thirty (30) days of sick leave or within the first six (6) months of absence due to work-related injury or illness.
- h. If a regular holiday falls on a weekend, the Director of Transportation and/or Transit Manager may use his/her discretion in determining in advance when that holiday will be scheduled for the employee.
- i. For the birthday holiday, the employee shall receive the day off if his/her birthday falls on a scheduled day of work. If the employee's birthday does not fall on a scheduled day of work, the next scheduled workday shall be considered as the holiday. An employee may choose to take the birthday holiday at a later or earlier time with the pre-approval of the Director of Transportation and/or Transit Manager. This section shall become inoperative effective January 1, 1992.

6. Military Leave .
 - a. In the event that any employee shall be drafted or enlisted by the government for military service, subject to the Selective Service Act of 1940, as amended, or in the event any employee is assigned or ordered to serve the government in any capacity other than military due to his/her status as a conscientious objector, and completes such assignment, or has met all the requirements of the government, he/she shall retain his/her full seniority rights and shall, upon his/her return, be reinstated to his/her former position without any loss of rights, provided, however, that he/she shall make his/her request for reinstatement within ninety (90) days of his/her discharge, and provided further that he/she is physically able to do the work and does not have a dishonorable discharge. Other employees will be required to adjust their job status to the extent necessary to accommodate such returning employees in military service.
 - b. Employees leaving the employer's service for defense work as a result of an order by any government agency may retain their seniority rights for a period of thirty (30) days beyond the termination of the order.
7. Disability Leave . Permanent employees who are disabled may be granted an unpaid leave of absence by the Director of Transportation and/or Transit Manager, subject to the following provisions:
 - a. The employee shall apply for such leave in writing to the Director of Transportation and/or Transit Manager.
 - b. The employee shall submit a physician's report describing the nature of the illness or injury, the physician's prognosis for recovery and a description of the physical limitations of the employee in sufficient detail to permit the Director of Transportation and/or Transit Manager to determine whether or not the employee is unable to perform his/her proscribed work.
 - c. If a disability leave has been granted the employee shall submit a physician's statement releasing the employee for work and describing the employee's ability to perform the physical and mental elements of his/her usual work before requesting the Director of Transportation and/or Transit Manager's permission to return to duty.
 - d. A disability leave without pay shall not extend beyond the employee's healing period without the permission of the Director of Transportation and/or Transit Manager.
- (c) (R. by Ord. 8543, 3-18-85)
- (d) Payroll Reporting .
 1. It shall be the duty of each section manager to indicate the amount of each employee's absence from duty, together with the cause of such absence, on an absence record accompanying the payroll information.
 2. It shall be the duty of the Director of Transportation and/or Transit Manager to keep a record of all employee absences whether paid or unpaid.
 3. No employee shall receive compensation for time when they are absent from duty unless such absence is shown on the absence records accompanying the payroll of that unit.
 4. An overpayment to any employee which is made by reason of a false report by any 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) Worker's Compensation Supplement . All permanent full-time 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 102, Wisconsin Statutes, said employee shall continue to be paid by the City at eighty percent (80%) of the same rate as s/he was paid prior to such injury, provided that no employee shall receive either more or less than the same net regular rate of pay as s/he 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 "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.

(f) (R. by Ord. 8543, 3-18-85; Renum. by ORD-07-00048, 4-12-07)

(g) Longevity.

1. All permanent full-time and permanent part-time employees who reside in the City of Madison shall receive longevity pay, subject to the following schedule and terms and conditions:
 - a. Upon completion of 48 months of continuous service, three percent (3%) shall be added to the base hourly rate of pay.
 - b. Upon completion of 108 months of continuous service, an additional 3% shall be added to the base hourly rate of pay.
 - c. Upon completion of 156 months of continuous service, an additional 2% shall be added to the base hourly rate of pay.
 - d. Upon completion of 180 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.
 - e. Upon completion of 204 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.
 - f. Upon completion of 228 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.
 - g. Upon completion of 288 months of continuous service, an additional 1% shall be added to the base hourly rate of pay.

Prospectively, the foregoing schedule of longevity increases shall be reduced by one (1) percentage for those employees in Compensation Group 44 who do not reside in the City of Madison

2. Longevity payments shall be effective on the first day of the biweekly pay period following the completion of the required length of service.
3. Any time spent on authorized leave of absence without pay and any time spent on layoff status shall not act to break the continuous employment; however, any leave time or layoff time in excess of thirty (30) days shall not be considered employment time for the purpose of computing longevity.

(h) Health Insurance and Benefits.

1. Employees registered in domestic partnerships under Section 39.03(2), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Area Health Fund
2. If an employee is laid off or is absent because of illness or off-the-job injury, the City shall make payments for the full month in which such incident occurs, and for one full month immediately following. If an employee is injured on the job, the City shall continue to pay the required contributions until the employee returns to work; however, such contributions shall not be paid for a period of more than twelve (12) months. If an employee is granted a leave of absence, the City shall collect from said employee, prior to the leave of absence being effective, sufficient monies to pay the required contributions into the health and welfare fund during the period of absence.
3. (R. by Ord. 9940, 1-25-90; Renum. by ORD-07-00048, 4-12-07)
4. The City shall continue to make its normal monthly health insurance contribution for either single or family health insurance coverage, whichever is applicable, for a period not to exceed five (5) years following the date of retirement for nonrepresented employees who have completed at least ten (10) years of full time service and who elect to retire from City service on or after reaching age fifty-five (55), provided, however, that such contribution shall terminate when any such employee reaches age sixty-five (65). The individual rights hereunder granted shall vest upon retirement and shall not thereafter be revoked. If the Wisconsin Retirement System is amended, whereby the penalty for early retirement is diminished, no additional employees will be eligible for this benefit until the Common Council approves modification of this ordinance.
5. 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.

- (i) Free Employee and Dependent Passes . Free bus passes shall be issued to employees and members of the employee's immediate dependent family for use while the employee maintains employee status. Long-term hourly and limited term employees as defined in Section 3.38(1)(a)4. and 5. shall be entitled to an employee bus pass for their personal use only. Any abuse of pass privileges by any pass holder shall result in revocation of pass privileges for the employee and holder. Immediate dependent family shall be defined as the: employee, spouse, employee's children or stepchildren under eighteen (18) years of age and living in the household of the employee. Dependent bus passes shall be issued to all dependents while attending post-high school education until the age of twenty-five (25). These dependents must be living at home and proof of eligibility may be required. All such passes shall be returned to the employer upon cessation of the holder's eligibility.
- (j) Life Insurance . Employees shall have the option to be included in the City of Madison Group Life Insurance Plan.
- (k) Disability Income Protection .
 1. Employees shall have the option to be included in the City of Madison Disability Income Protection Plan for the Transportation/Transit Department.
 2. The employee's share and the City's share of the premiums due for each succeeding year shall be based upon the sick leave used by the employee during the preceding one-year period running from July 15th of the current year to July 14th of the preceding year and shall be allocated as follows:

| Sick Days Accumulated by Employee | Employee's Share of Premium Due on Regular City Plan | Employer's Share is the Remaindered of Premium Due |
|-----------------------------------|--|--|
| 10, 11, or 12 | 0% | |
| <u>9</u> | 20% | |
| <u>8</u> | 40% | |
| <u>7</u> | 60% | |
| <u>6</u> | 80% | |
| 5 days or less | 100% | |

- (l) Jury Pay . If any employee is required to appear for jury duty, or is subpoenaed to appear as witnesses at court trials or hearings concerning events arising out of his/her employment, the time so spent shall be considered as time worked and said employee shall be paid the difference between his/her regular daily rate of pay and the amount received as jury fees or witness fees.
 - (m) (R. by ORD-13-00207, 12-10-13)
 - (n) Pension Rights .
 1. The City shall pay the employees' share of required contributions to the Wisconsin Retirement Fund.
 2. The pension rights, privileges and benefits afforded to employees who are presently receiving such rights, privileges and benefits under the provisions of the Madison Bus Pension Trust and Madison Bus Company Pension Trust Agreement as of the date of acquisition of the Madison Bus Company by the City and as from time to time previously amended, shall be continued for said employees; provided that in no event shall the City's level of contribution exceed the amount required to be paid by the City to sustain the present plan; nor shall the employee's level of benefits under said plan increase from the amount presently provided under said plan.
 - (o) Fringe Benefit Eligibility . Notwithstanding any other provision hereof to the contrary, long-term hourly and limited term employees shall not be entitled to any fringe benefits herein otherwise provided except an employee bus pass for their own personal use. Permanent employees employed at least half-time shall receive all of the benefits provided in paragraphs 1, 2, 3, 4, 5, 6, 7 of subdivision (b) and subdivisions (d), (e), (g), (h), (i), (j), (k), (l), (m), and (n) of subsection (1) on a pro rata basis based on the certified hours for the position.
- (2) Overtime Compensation .
- (a) Overtime Compensation for Nonrepresented Employees in Compensation Group 43 .
 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; 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.
 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.
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 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.
6. The decision to compensate extra hours worked in the form of overtime pay or compensatory time off shall be made by the City.

Compensatory time off is to be granted only at a time mutually agreed to between the employee and the Director of Transportation and/or Transit Manager.

(b) Overtime Compensation for Nonrepresented Employees in Compensation Group 44 .

1. Overtime shall be computed on the basis of forty (40) hours per week. 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 44, 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.
5. Employees in Compensation Group 44, 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 unless the Director of Transportation and/or Transit Manager 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 Director of Transportation and/or Transit Manager. Compensatory time shall be taken off only at times mutually agreed to between the Director of Transportation and/or Transit Manager and the employee. However, in the case of employees with compensatory time balances in excess of forty (40) hours as of the date of publication of this ordinance, the Director of Transportation and/or Transit Manager 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, 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.
7. Employees in Compensation Group 44, Range 14 and above and those in Compensation Group 21 shall not be eligible to receive overtime compensation for any hours worked in excess of their standard hours."