



## Legislation Details (With Text)

**File #:** 16761      **Version:** 1      **Name:** Expansion of Paid Leave  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/30/2009      **In control:** PERSONNEL BOARD  
**On agenda:** 2/2/2010      **Final action:** 2/2/2010  
**Enactment date:** 2/18/2010      **Enactment #:** ORD-10-00019  
**Title:** Amending Sections 3.32(1)(a), (6)(b), (6)(f), (7)(a), (7)(c)1., repealing Sec. 3.32(7)(c)2., amending Sections 3.32(7)(c)3., (8)(a), (8)(b), (8)(e), (9), (10), (11)(a), (11)(b)1. (11)(b)2., (12), (13)(a), (14), and (15) of the Madison General Ordinances to expand or clarify the eligibility for various forms of paid leave for hourly, limited term and probationary employees.  
**Sponsors:** David J. Cieslewicz  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Report of HR Director.pdf

Date	Ver.	Action By	Action	Result
2/2/2010	1	COMMON COUNCIL	Adopt	Pass
1/11/2010	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
1/6/2010	1	PERSONNEL BOARD	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
12/16/2009	1	PERSONNEL BOARD	Refer	
12/15/2009	1	COMMON COUNCIL	Referred	
12/2/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

This collection of ordinance revisions generally extends the paid leave benefits historically reserved for permanent City employees to non-represented limited term employees (LTE's). Currently, the City employs only a handful of individuals in LTE status. Therefore, adoption of these ordinance revisions will result in a modest increase in paid leave time available to these employees and is expected to have only limited budgetary impact.

**Title**

Amending Sections 3.32(1)(a), (6)(b), (6)(f), (7)(a), (7)(c)1., repealing Sec. 3.32(7)(c)2., amending Sections 3.32(7)(c)3., (8)(a), (8)(b), (8)(e), (9), (10), (11)(a), (11)(b)1. (11)(b)2., (12), (13)(a), (14), and (15) of the Madison General Ordinances to expand or clarify the eligibility for various forms of paid leave for hourly, limited term and probationary employees.

**Body**

DRAFTER'S ANALYSIS: Proposed changes would clarify and expand the eligibility for various forms of paid leave. This proposal would clarify the eligibility of probationary employees for Holiday Leave, Sick Leave, Disability Leave Without Pay, Worker's Compensation Supplemental Leave, Paid (Vacation) Leave, Floating Holidays, Jury Service Leave and Bereavement Leave. This proposal would also expand eligibility for Holiday Leave, Sick Leave, Disability Leave Without Pay, Worker's Compensation Supplemental Leave, Paid (Vacation) Leave, Floating Holidays, Jury Service Leave and Bereavement Leave to non-represented LTE's.

\*\*\*\*\*

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

1. Subdivision (a) of Subsection (1) entitled "Definitions" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(a) As used in this section, the term "employee" shall mean all ~~permanent~~ City employees which 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 permanent City employees who are exempted from the Civil Service System as specified by Sec. 3.53(1), of the Madison General Ordinances MGO except members of Compensation Groups 43 and 44 and except housing monitors employed under Sec. 3.54(4) of these ordinances to provide security services at public housing sites owned and operated by the Community Development Authority. As used in this section the term does not include employees who occupy limited term, hourly or crossing guard positions, all of whom shall be exempted from the provisions of this section except where they are specifically included in particular provisions."

2. Subdivision (b) entitled "Sick Leave Eligibility" of Subsection (6) entitled "Sick Leave and Worker's Compensation Supplement" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(b) Sick Leave Eligibility.

1. All ~~permanent~~ City employees as specified in Sec. 3.32(1)(a) shall be eligible to receive sick leave. Employees in ~~limited term positions as defined in Sec. 3.53(5)(b) and employees in~~ hourly positions as defined in Sec. 3.53(5)(c), 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 or limited term~~ employee shall move from the status of ~~seasonal or limited term~~ 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."

3. Subdivision (f) entitled "Worker's Compensation Supplement" of Subsection (6) entitled "Sick Leave and Worker's Compensation Supplement" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(f) Worker's Compensation Supplement. All ~~permanent~~ employees ~~and employees on probation~~ 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%) 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."

4. Subdivision (a) entitled "Eligibility" of Subsection (7) entitled "Vacation" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(a) Eligibility. All ~~permanent~~ 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, ~~permanent~~ employees who are required to serve a twelve (12) month probationary period shall be eligible to

receive earned paid vacation leave after successful completion of six (6) months of probation, not to exceed five (5) days. ~~Employees in limited term positions as defined in Sec. 3.53(5)(b) shall be eligible to earn and receive vacation after the initial twelve (12) months of employment in that limited term position.~~ In the event that an employee in a seasonal, or hourly ~~or limited term~~ position who is otherwise ineligible to receive vacation shall move from the status of seasonal, or hourly ~~or limited term~~ 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."

5. The introductory paragraph of Paragraph 1. of Subdivision (c) entitled "Schedule" of Subsection (7) entitled "Vacation" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows: "1. Vacation leave for the permanent City employees described in Subdivision (a) above, ~~except for persons occupying the positions of Library Director, Librarian Supervisor and Librarian III before January 1, 1985, and~~ except as provided in Sec. 3.32(7)(c)8. below, shall be earned at an equivalent monthly rate in accordance with the following table:"

6. Paragraph 2. of Subdivision (c) entitled "Schedule" of Subsection (7) entitled "Vacation" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is hereby repealed.

7. Paragraph 3. of Subdivision (c) entitled "Schedule" of Subsection (7) entitled "Vacation" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"3. ~~In computing continuous service for vacation purposes, only permanent service including sick leave and vacation time may be counted.~~ 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."

8. Subdivision (a) entitled "Eligibility" of Subsection (8) entitled "Designated Holidays" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(a) Eligibility. All permanent City employees as specified in Section 3.32(1)(a) ~~and employees holding hourly positions~~ shall be eligible to receive paid designated holidays. ~~For the purpose of holiday eligibility, limited term and hourly position employees are eligible; crossing guards are not eligible.~~"

9. Subdivision (b) of Subsection (8) entitled "Designated Holidays" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(b) The following are designated as holidays for nonrepresented City employees: January 1, commencing in 1989 the third Monday in January, the last Monday in May, July 4, the first Monday in September, Thanksgiving day and, for hourly employees, the Friday after Thanksgiving, and December 25."

10. Subdivision (e) of Subsection (8) entitled "Designated Holidays" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(e) In the event that any of the holidays listed in Sec. 3.32(8)(b) fall on a Sunday, the following Monday shall be treated as a holiday. If any of the holidays listed in Sec. 3.32(8)(b) fall on a Saturday, employees shall ~~be given have an~~ compensatory additional vacation day off at a time which is agreeable to the employees and the department or division head added to their current vacation balance."

11. Subsection (9) entitled "Floating Holidays" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(9) Floating Holidays.

(a) Eligibility. All permanent City employees as specified in Sec. 3.32(1)(a) shall be eligible to receive ~~two (2)~~ three and one-half (3½) paid floating holidays except as provided for in Sec. 3.32(8)(f); effective January 1, 1987, all permanent City employees as specified in Sec. 3.32(1)(a) shall be eligible to receive an additional paid floating holiday except as provided for in Sec. 3.32(8)(f). Effective January 1, 2004, all permanent City employees as specified in Sec. 3.32(1)(a) shall be eligible to receive an additional one-half (1/2) day of paid floating holiday except as

provided for in Sec. 3.32(8)(f). ~~Hourly employees and crossing guards shall not be eligible to receive any paid floating holidays.~~

- (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 into a permanent position on or after November 1 will be permitted to carry over unused floating holidays into the following calendar year ~~following their date of hire into a permanent position.~~

12. Subsection (10) entitled "Paid Leave Time" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(10) Paid Leave Time.

- (a) Eligibility. All permanent City employees as specified in Sec. 3.32(1)(a) shall be eligible for paid leave time. ~~Employees in limited term positions as defined in Sec. 3.53(5)(b) which are funded for at least twelve (12) months shall be eligible to receive paid leave time. Employees in hourly positions and crossing guard employees shall not be eligible to receive 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 ~~person~~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~~employees 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 ~~floating holidays~~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 shall be at straight time."

13. Subdivision (a) entitled "Eligibility" of Subsection (11) entitled "Military Leave" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

- "(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 §21.80 and §45.50-45.51, Wis. Stats., as that law may be amended from time to time.”

14. The introductory paragraph of Paragraph 1. of Subdivision (b) entitled “Pay Differential and Leave Accumulation for Active Duty Service” of Subsection (11) entitled “Military Leave” of Section 3.32 entitled “Absence of Employees From Duty” of the Madison General Ordinances is amended to read as follows:

“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:”

15. Paragraph 2. of Subdivision (b) entitled “Pay Differential and Leave Accumulation for Active Duty Service” of Subsection (11) entitled “Military Leave” of Section 3.32 entitled “Absence of Employees From Duty” of the Madison General Ordinances is amended to read as follows:

“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.”

16. Subsection (12) entitled “Jury Service” of Section 3.32 entitled “Absence of Employees From Duty” of the Madison General Ordinances is amended to read as follows:

“(12) Jury Service. ~~All eEmployees of the City, except hourly employees, limited term employees and crossing guard 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.”

17. Paragraph 1. of Subdivision (a) entitled “Death in Immediate Family” of Subsection (13) entitled “Death in Employee’s Family or Otherwise” of Section 3.32 entitled “Absence of Employees From Duty” of the Madison General Ordinances is amended to read as follows:

“1. Where there is a death in the immediate family all permanent of an employee such ~~City employees as specified in Sec. 3.32(1)(a), limited term position employees holding a limited term position as defined in Sec. 3.53(5)(b) for a period of at least twelve (12) months and including crossing guard employees,~~ shall be eligible, to receive death in the employee’s family leave in accordance with the terms of this subsection, for leave without loss of pay. ~~Hourly position employees shall not be eligible to receive death in the employee’s family leave without loss of pay.~~ Eligible eEmployees shall be granted up to three (3) days without loss of pay and without charge to accrued sick leave or vacation of the employee. ~~In such circumstances a~~ 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 Personnel Human Resources Director.”

18 The introductory paragraph of Subsection (14) entitled “Disability Leave Without Pay” of Section 3.32 entitled “Absence of Employees From Duty” of the Madison General Ordinances is amended to read as follows:

“(14) Disability Leave Without Pay. ~~Permanent eEmployees~~ with disabilities shall be entitled to a leave of absence without pay for a period not to exceed six (6) months, subject to the following provisions:”

19. Subsection (15) entitled "Return to Service" of Section 3.32 entitled "Absence of Employees From Duty" of the Madison General Ordinances is amended to read as follows:

"(15) Return to Service. An ~~permanent~~ employee in the classified service appointed to a position in the unclassified service shall be granted a leave of absence without pay from his former position in the classified service for the period of his service in the unclassified position and for one (1) year thereafter, during which time 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 ~~permanent~~ employee receiving a greater salary in the classified service than that provided for a position in the unclassified service to which he is appointed, shall be entitled to the same salary while serving in such position as 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."

EDITOR'S NOTE: Sec. 3.32(7)(c)2. currently reads as follows:

"2. Vacation leave for persons occupying the positions of Library Director, Librarian Supervisor and Librarian III before January 1, 1985, shall be earned at an equivalent monthly rate in accordance with the following rate:

Continuous Service Time	Full-Time Equivalent Annual Work Days of Vacation
After completion of one (1) year	22
After completion of twenty-two (22) years	27"