



Legislation Details (With Text)

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Enactment date: 7/31/2021 **Enactment #:** ORD-21-00056
Title: Amending Section 2.01(4), Section 3.32(7)(b), Section 3.32(9)(b) and (c), and Section 3.38(b)5.a. and Section 12.01 of the Madison General Ordinances to add June 19 (Juneteenth Independence Day) to the list of City paid holidays in recognition of the date on which slavery legally came to an end in the United States and to rename the day after Thanksgiving as Ho-Chunk Day.
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Attachments:

Date	Ver.	Action By	Action	Result
7/20/2021	1	COMMON COUNCIL	Adopt	Pass
7/12/2021	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/6/2021	1	COMMON COUNCIL	Referred	
6/30/2021	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed resolution adds Juneteenth Independence Day to the list of City paid holidays and renames the day after Thanksgiving as Ho-Chunk Day. The fiscal impact of an additional paid holiday will be most influenced by pay to essential workers such as fire and police who work the holiday. The labor contracts for these employees supersede the ordinances. The additional holiday would be considered in future bargaining agreements with represented fire and police employees. Most general municipal employees would receive paid leave based on their normal rate, which will not directly impact the budget. However, to the extent that the time off impacts the workload of these employees, overtime could increase. Any additional overtime costs would need to be accommodated within existing budget.

Title

Amending Section 2.01(4), Section 3.32(7)(b), Section 3.32(9)(b) and (c), and Section 3.38(b)5.a. and Section 12.01 of the Madison General Ordinances to add June 19 (Juneteenth Independence Day) to the list of City paid holidays in recognition of the date on which slavery legally came to an end in the United States and to rename the day after Thanksgiving as Ho-Chunk Day.

Body

DRAFTER'S ANALYSIS: This ordinance amendment adds June 19 (Juneteenth Independence Day) to the list of City paid holidays in recognition of the date on which slavery legally came to an end in the United States, and renames the day after Thanksgiving as Ho-Chunk Day in recognition of the historical trauma and how it still reverberates today so healing can take place and progress can be made.

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863 freeing slaves in the Confederate states and the Thirteenth Amendment to the Constitution formally ending slavery was ratified on December 6, 1865; and

WHEREAS, on June 19, 1865, Union soldiers arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved had long since been free; and

WHEREAS, African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as “Juneteenth Independence Day”, as inspiration and encouragement for future generations; and

WHEREAS, African-Americans have continued the tradition of observing Juneteenth Independence Day for over 150 years; and

WHEREAS, the Federal Government, 45 States and the District of Columbia have designated Juneteenth Independence Day as a special day of observance in recognition of the emancipation of all slaves in the United States; and

WHEREAS, the City of Madison supports the continued nationwide celebration of Juneteenth Independence Day to provide the opportunity for the citizens of Madison to learn more about the past and to better understand the experiences that have shaped the United States; and

WHEREAS, the City of Madison recognizes that the observance of the end of slavery is part of the history and heritage of the United States; and

WHEREAS, the Ho-Chunk people are descendants of the effigy mound builders, circa AD 700-1100, and are the aboriginal inhabitants of the Madison region, known to the Ho-Chunk as “Te Jop e ja” (The Four Lakes) which covers the four principal lakes of Mendota, Monona, Waubesa and Kegonsa, where notable buildings were built and erected through the digging up and destroying of effigy mounds; and

WHEREAS, oral tradition and historic documents describe the Ho-Chunk as a large and populous tribe of 10,000 that occupied more than 10 million acres of land in much of Southern Wisconsin and Northern Illinois; and

WHEREAS, in 1849, the federal government began a series of attempts of forcible removals, the Ho-Chunk were rounded up and put into boxcars to move the Ho-Chunk from their Wisconsin territory to Iowa, then Minnesota, still later to South Dakota and finally in Nebraska, leading to mistrust and conflict with a dominate government society; and

WHEREAS, the Ho-Chunk returned on foot to Wisconsin to live as refugees on their former homelands, and in 1875, those in Wisconsin were allowed to settle on lands that were not wanted and are the only tribe in Wisconsin for whom no reservation was ever formally established; and

WHEREAS, the Ho-Chunk Nation is a federally recognized Indian tribe, possessing inherent sovereign powers by virtue of self-government and democracy; and

WHEREAS, Ho-Chunk representatives have demonstrated collaborative and relationship building by developing and maintaining contacts with city officials and nurturing positive relationships with the public and private sectors; and

WHEREAS, the Ho-Chunk people demonstrate their way of life, goodwill and social responsibility to their homeland and all its residence in welcoming people to their homeland for centuries,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison designates June 19 (Juneteenth Independence Day) as a City paid holiday and renames the day after Thanksgiving as Ho-Chunk Day.

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

1. Subdivision (b) of subsection (7) entitled "Designated Holidays" of Section 3.32 entitled "Absence of Employees from Duty" is amended as follows:

"(7) 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 City employees: January 1, the third Monday in January, the last Monday in May, June 19, July 4, the first Monday in September, Thanksgiving Day, December 25 and, for permanent and hourly employees in Compensation Group 15, Ho-Chunk Day (the dayFriday 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(7)(b) fall on a Sunday, the following Monday shall be treated as a holiday, however, the double-time pay provision shall apply only to the actual calendar date of the holiday. If any of the holidays listed in Sec. 3.32(7)(b) fall on a Saturday, employees shall have an additional vacation day added to their current vacation balance.
- (f) Employees occupying positions in Compensation Groups 16, 17, 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."

2. Subdivision (b) and (c) of subsection (9) entitled "Paid Leave Time" of Section 3.32 entitled "Absence of Employees from Duty" is amended as follows:

"(9) 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 Ho-Chunk Day (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 Ho-Chunk Day. Those employees who have a scheduled day off or who are on vacation or sick leave shall receive equivalent compensatory time off.
- (c) All paid leave time granted under sub. (9)(b) above shall be at straight time."

3. Subparagraph a. of paragraph 5. entitled "Holidays" of subdivision (b) entitled "Absence of Employees from Duty" of subsection (1) of Section 3.38 entitled "Nonrepresented Transportation/Transit Division Employees" is amended as follows:

"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
Juneteenth
Fourth of July
Labor Day
Thanksgiving Day
Ho-Chunk 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."

4. Subsection (4) of Section 2.01 entitled "Meetings" is amended as follows:

"(4) The Common Council shall not meet on the following holidays: New Year's Eve, New Year's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Martin Luther King, Jr. Day, Thanksgiving Day, Ho-Chunk Day (the ~~day~~Friday after Thanksgiving Day), Christmas Eve, Christmas Day, Rosh Hashanah, Yom Kippur, the first two nights of Passover, and any general or primary election day for local, state or national offices, or referenda."

5. Section 12.01 entitled "Words and Phrases Defined" is amended as follows:

"12.01 - WORDS AND PHRASES DEFINED.

In addition to those words and phrases defined in Wis. Stat. ch. 340, in Chapter 12, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning.

Holidays means the following days: New Year's Day, Martin Luther King, Jr.'s Birthday (third Monday in January), Memorial Day, Juneteenth, July 4th, Labor Day, Thanksgiving Day and Christmas Day."