

**CITY OF WEST ALLIS
RESOLUTION R-2025-2744**

**RESOLUTION TO UPDATE POLICY RELATED TO PAYMENTS TO EMPLOYEES
FOR JURY SERVICE**

AMENDING POLICY P325

WHEREAS, Wis. Stat. 756.255 requires employers to grant leave to employees for jury service; and

WHEREAS, an employer may offer compensation to any class of employees during a period of jury service;

NOW THEREFORE, be it resolved by the Common Council of the City Of West Allis, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “P325 Time Off” of the City Of West Allis Policies & Procedures is hereby *amended* as follows:

AMENDMENT

P325 Time Off

1. Paid Time Off (PTO). Employees may earn paid time off under this policy in the form of hours credited to a PTO bank. An employee may use time from their PTO bank for any reason in no less than 15-minute increments to receive regular pay while not working, but only if that time off is approved by the Department Head supervising that employee in accordance with that Department Head’s administrative rules.
 - a. PTO Bank
 - i. Earning. On the last day of each month, full-time employees shall accrue hours in their PTO bank at the highest applicable rate based on creditable years of service to the City:

Minimum Years of Service	Hours Earned Per Month	Maximum Balance
0 years	16.67 Hours	200 Hours (25 work days)
5 years	20.00 Hours	240 Hours (30 work days)
10 years	23.33 Hours	280 Hours (35 work days)

15 years	25.00 Hours	300 Hours (37.5 work days)
25 years	26.67 Hours	320 Hours (40 work days)

- ii. Part-Time Employees. Employees whose positions are less than 1.0 FTE shall earn PTO hours at a rate proportionate to their FTE rate.
- iii. Computing Creditable Years of Service. Full-time employees shall receive 1 year of creditable service for each year of employment with the City. Employees whose positions are less than 1.0 FTE shall compute creditable years of service proportionate to their FTE rate. An employee's PTO earning rate may be increased beyond actual years of service to the City through an employment contract, a hiring agreement, an employee recognition program, a performance management system, or a lateral benefit consideration. Employees awarded this credit will remain at this higher level until they work the actual number of years for the City to earn additional credit as outlined in the table above.
- iv. Negative Balance. Full-time employees may, upon approval of the Department Head, borrow up to 40 hours of time off before it is earned and credited to the PTO bank. Upon separation of employment, any negative balance will be deducted from the final paycheck or billed to the employee if sufficient funds are not available on the final paycheck. Employees with budgeted positions of less than 1.0 FTE may borrow hours prorated according to their FTE.
- v. PTO Bank Balance Paid Out at Separation. Upon voluntary separation, an employee shall be paid for any hours in their PTO bank at the employee's hourly rate at the time of separation as long as the employee does not use PTO to artificially delay the employee's separation date and provides advance notice as stated below:
 - (1) 60 days' advance notice for Department Heads (unless otherwise stated in an employment agreement).
 - (2) 30 days' advance notice for employees in deputy, managerial, or supervisory positions.
 - (3) 14 days' advance notice for all other employees.
- 2. Extended Sick Leave Bank (ESLB). An ESLB will be available for all employees with the opportunity to reach a balance of up to 720 hours. Use of time in the ESLB shall be limited to FMLA eligible events for the employee and their family members subject to the provisions of FMLA regulations. Employees may choose to convert up to 200 hours annually from their PTO bank into the ESLB in the manner established by the Assistant City Administrator's administrative rules.
- 3. Holidays. Except as stated in this policy, an employee holding a budgeted position of 0.5 FTE or greater shall be eligible for paid holidays upon date of hire. Holiday pay

shall be prorated based on budgeted FTE.

a. Holidays. The following days are City holidays:

January 1
Third Monday of January
Last Monday of May
July 4
First Monday of September
Fourth Thursday of November
Fourth Friday of November
December 24
December 25

b. Observation of Holidays. Holidays are observed on the date described unless that date falls on a weekend. If a holiday falls on a weekend, the holiday is observed on the closest preceding or subsequent weekday except when December 24 falls on a Sunday, that holiday is observed on December 22 and when December 25 falls on a Saturday, that holiday is observed on December 27.

c. Exceptions

i. Non-Represented Sworn Employees of the Police and Fire Departments. Non-represented sworn employees of the police and fire departments working a 5-2 schedule (i.e. Monday – Friday), shall receive pay as outlined in Policy 1424.

ii. Public Safety Communication Center Employees. In lieu of scheduled holidays, Communication Center Employees shall choose either Option 1 or Option 2. New employees and existing employees will be prorated based on time worked during the calendar year.

(1) Option 1: A Communication Center Employee may elect to receive holiday pay at straight time (1X) for holidays earned per calendar year payable on or about December 1 of each year. Election of such option must be submitted in writing by December 15th of the preceding year. This decision is irrevocable for said year.

(2) Option 2: A Communication Center Employee may elect to receive holiday paid time off at straight time (1X) for holidays earned during the calendar year. Election of such option must be submitted in writing by December 15th of the preceding year. This decision is irrevocable for said year.

iii. Library Employees. When December 24th or December 25th is a Saturday or Sunday, Library employees may be required to work on

an observed holiday date. In lieu of a paid holiday, Library employees who work on an observed holiday date shall receive an amount of paid time off equal to the hours worked on the observed holiday date.

4. Bereavement Leave. Consistent with this policy, an employee may take paid bereavement leave for up to 80 consecutive hours for the death of a spouse or child and up to 40 consecutive hours for the death of a brother, sister, mother, or father (both categories include step- and in-law relationships). Time off must be taken within 6 months from date of death and documentation of the death may be required consistent with standards established by the Assistant City Administrator's administrative rules.

5. Donated Time Off

- a. Consistent with this policy, an employee holding a budgeted position of 0.5 FTE or greater may request and receive additional PTO through donation by others if:
 - i. the recipient employee has or will have a PTO bank balance of 0 hours or less; and
 - ii. the recipient employee is:
 - (1) absent due to an unplanned medical need of the employee or the employee's immediate family members, as defined by the Family and Medical Leave Act, or
 - (2) seeking extended bereavement leave.
- b. Any hours donated shall be credited to the recipient's PTO bank only as needed to maintain a PTO bank balance of 0 hours.
- c. The recipient employee may receive up to 160 donated hours. The City Administrator may allow the recipient employee to receive up to an additional 40 hours under extraordinary circumstances.
- d. The application and use of the donated time in the case of death shall be limited to the relationships listed in the bereavement leave section and up to 6 months after the date of death.
- e. If the employee donating hours is paid at an hourly rate different from the recipient, the donation of hours shall be on an hour-for-hour basis without calculation of dollars between the accrual amounts of either the donating and/or receiving employee(s). Recipient employees shall be paid at their regular wage rate.
- f. Donation transfer shall not result in overtime for the recipient.

6. Unpaid Time Off

- a. Request. An employee requesting voluntary unpaid time off shall submit that request to the employee's Department Head in accordance with the Assistant City Administrator's administrative rules. Unpaid time off can only be approved and maintained if all the following applies:
 - i. The employee's PTO bank has a balance of 0 hours or less.
 - ii. The unpaid voluntary leave is either beneficial to the City or necessitated by the employee's unplanned absence.
 - iii. Granting the request will not cause the employee's department to incur overtime.
- b. Denial or Cancellation. The Assistant City Administrator may deny a request

or cancel granted unpaid time off at any time if doing so is in the best interests of the City.

7. Military Leave

a. General Policies.

- i. Employees of the City, who are now or hereafter become members of a uniformed service, shall be granted leaves of absence during any period of active or inactive training or duty in such service.
- ii. Employees, except temporary employees as defined in the Reinstatement Section below, taking leave for military service have a right to be reemployed upon their return provided the employees:
 - (1) Give the City advance written or verbal notice of their service and submit appropriate documentation, unless giving such notice is impossible, unreasonable, or precluded by military necessity;
 - (2) Have 5 years or less of cumulative service in the uniformed services while with the City. Note: service during a declared national emergency and annual training in the Guard or Reserves is not counted toward the 5-year cap;
 - (3) Return to work or apply for reemployment in a timely manner after conclusion of service; and, Have not been separated from service with a disqualifying discharge or under other than honorable conditions.
 - (4) Except as set forth in Reserve or National Guard Section below, employees shall not be entitled to any wages while absent for military service. For a period of up to 45 consecutive days said employees shall be entitled to all other benefits of City employment. Employees on military leave may, but cannot be required to, use their PTO bank. [Employees are entitled to the rights and benefits that the City provides to other employees who are on leave of absence with similar seniority, status and pay.] Should an employee opt not to use previously accrued paid leave, the time off shall be documented as unpaid Military Leave.
- iii. Health Insurance. Employees called up to active military service beyond the 45 days referenced above, shall be provided health insurance coverage in accordance with applicable policy.
- iv. Pension Benefits. For Wisconsin Retirement System (WRS) purposes, an employee leaving their job to perform military service is placed on unpaid military leave of absence. Neither the City nor the employee is required to make WRS contributions during the employee's military leave of absence. The City will make applicable employer-required contributions upon the employee's return from active military duty and reemployment with the City. Once an employee who is responsible for making the WRS employee-required contributions is no longer on active military duty and is reemployed with the City, the

employee may choose whether they will make up none, some or all of the missed WRS employee required contributions. Any “make up” contributions shall be made beginning with the date of reemployment and ending on the earlier of: (1) 3 times the period of military service, or; (2) 5 years. The City shall make employer-required contributions to match the contributions made by the employee. The City will also fund any additional obligations, including interest that would have accrued on the employer-required contributions, once those contributions are made. Once the employee returns to work with the City, the City will submit the USERRA Certification form (ET-4560) with a copy of the employee’s DD-214 or, if the employee did not receive a DD-214, based on the employee’s length of military service, submit the employee’s military orders.

b. Active Duty.

- i. Reinstatement. Employees, other than temporary employees who hold brief or non-recurrent positions and who have no reasonable expectation that their employment will continue indefinitely or for a significant period of time, are entitled to reemployment rights following uniformed service. Upon completion and release from active duty under honorable conditions, an employee shall be reinstated into the position held at the time of taking such leave of absence, with the same seniority, pay, status, and benefit rights they would have had if they had worked continuously, or to a position of like seniority, status, pay, benefits and salary advancement; provided however, that he or she is still qualified to perform the duties of his or her position or similar position. If he or she is not so qualified, he or she shall be employed in such position for which he or she shall be qualified at seniority, status, pay, benefits and salary advancement of the position held at the time of taking such leave. Any person occupying a probationary status upon commencing military leave shall revert to such status upon reinstatement.
- ii. The positions of employees on military leave shall not be filled, except by appointment through the certification of the persons next eligible. The persons appointed to fill such positions during the absence of employees on military leave shall, upon the latter’s’ reinstatement, be transferred to similar positions, if one is available, or if not, their name shall be placed on the appropriate reinstatement lists in accordance with City policies, rules or regulations.
- iii. Application for Reemployment. For leaves of more than 180 days, employees must apply for reemployment within 90 days of discharge from the military. For leaves of 31 to 180 days, employees must apply for reemployment within 14 days of discharge. For leaves of less than 31 days, employees must apply for reemployment the next full workday plus 8 hours for safe travel. Employees who fail to report for work within the prescribed time after completion of military service

- will be considered to have voluntarily terminated their employment.
- iv. Nothing contained herein shall be construed as limiting the authority of the City to require a person to provide proof of discharge under honorable conditions or any other pertinent administrative data.
- c. Reserve or National Guard Training.
 - i. Pay for Training. Employees of the City, other than persons filling temporary appointments as described in the active duty reinstatement section above, who are required to attend training as members of the military service shall receive up to 10 days of pay per calendar year while attending said training. The first 10 days of leave taken will be applied in the sequential date order the leave is used within the calendar year. Employees' pay for the period of such leave, including travel time, shall be the difference between their salary or wages (without overtime), and basic military pay, if the military pay is the lesser. In the event the military pay meets or exceeds the employee's pay for the period of such leave, then no payment for salary or wages will be paid to the employee from the City. The Finance Director/Comptroller shall require the persons to furnish proof as to the number of days spent in active duty training, including travel time, and as to the amount of basic military pay by certified copy of the employees' orders, or in such other form as the Finance Director/Comptroller may in their judgment deem acceptable, within 30 calendar days of reemployment. No adjustment in employees' total annual salary shall be made on account of the provisions of this section in reporting to the state retirement fund or group insurance board.
 - ii. Employees shall not be entitled to any wages for any period of time beyond 10 days, but shall otherwise be entitled to all other benefits of City employment up to a period of 45 consecutive days.
8. Family and Medical Leave. The City shall comply with 29 U.S.C. 2611-2620 and Wis. Stat. 103.10 upon receiving any requests for leave pursuant to those laws.
9. Jury Duty Leave. The City shall grant an employee a leave of absence for the period of jury service in a manner consistent with Wis. Stat. 756.255.
- a. Any employee may take unpaid leave and retain any separate per diem payment and travel allowance made to the employee for jury service.
 - b. Any employee who is eligible for paid time off may take paid time off during a period of jury service and retain any separate per diem payment and travel allowance made to the employee for jury service
 - c. Any employee holding a position that is not seasonal, provisional, or temporary and is at least 0.5 FTE may receive regular straight time wages during a period of jury service. The employee who selects this option shall make payable to the City any separate per diem payment and travel allowance made to the employee for jury service.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Tracey Uttke, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis