

**CITY OF WEST ALLIS
RESOLUTION R-2026-0593**

**RESOLUTION RELATING TO REPEALING POLICY 1466 FOR EMPLOYEE
TIME OFF DONATION AND RE-ESTABLISHING PROGRAM AUTHORITY
UNDER POLICY 325.**

WHEREAS, the City of West Allis previously adopted Policy 1466 relating to the donation of paid time off in special circumstances; and

WHEREAS, the City has undertaken a reorganization of its personnel policies to improve clarity, consistency, and administrative structure, including consolidating time off-related authority under Policy 325; and

WHEREAS, repealing Policy 1466 and re-establishing authority for an employee time off donation program under Policy 325 will modernize the policy framework while allowing program administration to be governed through administrative rules.

NOW THEREFORE, be it ordained 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:

A M E N D M E N T

P325 Time Off

The provisions of this section shall not apply to fire battalion chiefs who work a 24-hour shift. Fire battalion chiefs who work a 24-hour shift shall comply with the same time off provisions negotiated within the collective bargaining agreement applicable to other fire department employees who serve a 24-hour shift.

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	Hours Earned Per	
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Service	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)

- b. Part-Time Employees. Employees whose positions are less than 1.0 FTE shall earn PTO hours at a rate proportionate to their FTE rate.
- c. 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.
- d. 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.
- e. 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:
 - i. 60 days' advance notice for Department Heads (unless otherwise stated in an employment agreement).
 - ii. 30 days' advance notice for employees in deputy, managerial, or supervisory positions.
 - iii. 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 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. 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.

10. Employee Time Off Donation Program. The City may permit the donation of accrued vacation and random holiday time from one employee to another employee who has exhausted available paid leave and is experiencing a qualifying emergency circumstance.

- a. Participation in the Employee Time Off Donation Program is subject to eligibility criteria, limitations, and procedures established by administrative rule.
- b. The Human Resources Division is responsible for administering the Employee Time Off Donation Program in accordance with applicable policies and administrative rules.
- c. Donated time may be used only to extend paid leave and may not be paid out in cash under any circumstances.

SECTION 2: AMENDMENT “1466 Employee Transfer/Donation Of Vacation And Random Holiday Time To Another Employee In Special Emergency Situations” of the City Of West Allis Policies & Procedures is hereby *amended* as follows:

A M E N D M E N T

1466 Employee Transfer/Donation Of Vacation And Random Holiday Time To Another Employee In Special Emergency Situations

1. ~~PURPOSE: To describe the general policies and procedures of the City of West Allis in regard to donating paid time off to a qualified employee who has requested to receive donated paid time off. ORGANIZATIONS AND PERSONS AFFECTED: This policy applies to all City of West Allis departments, boards, commissions and employees. POLICY: It is the policy of the City of West Allis to provide a uniform set of guidelines and procedures for the donation of paid time off for an employee that has exhausted all his/her paid time. REFERENCES: RESPONSIBILITY It is the responsibility of the Human Resources Division to administer this policy. GENERAL POLICIES (Reserved.) (Reserved.) An employee wishing to donate paid time off hours shall complete all steps necessary to donate paid time off as established by the Assistant City Administrator's rulesadministrativeHuman Resources. The maximum number of hours donated by an individual shall be 24 hours. (Reserved.) No employee~~

~~may donate more than 40 hours of combined time for all employees per calendar year. (Reserved.). Any donated time not used by the recipient for the purpose of the request shall be credited back to the donor.~~ REQUESTS FOR DONATION OF TIME

2. **PROCEDURES:**

SECTION 3: AMENDMENT “1205 Payroll And Time Records” of the City Of West Allis Policies & Procedures is hereby *amended* as follows:

AMENDMENT

1205 Payroll And Time Records

1. **PURPOSE** To describe the policies and procedures to be followed by City departments with respect to preparing the payroll.
2. **ORGANIZATIONS AND PERSONS AFFECTED** This policy applies to all City of West Allis departments, boards, commissions, and employees.
3. **POLICY** It is the policy of the City of West Allis to be in compliance with the Fair Labor Standards Act, to ensure employees in exempt and non-exempt positions are paid appropriately, and to have an established system for processing the City’s payroll. No person holding a position of employment within the municipal government, for which a definite salary or wage has been appropriated or designated, shall receive any extra salary or compensation in addition to that so fixed unless otherwise included in City Ordinance, City Policy and City Procedure.
4. **REFERENCES** City of West Allis Revised Municipal Code, Section 2.76(10) City of West Allis Policy and Procedures Manual, Policy 1424 - Overtime, Compensatory Time and Premium Pay City of West Allis Policy and Procedures Manual, Policy 1454 - Work Hours and Schedules City of West Allis Policy & Procedures Manual, Policy 1475 – Fair Labor Standards Act-Safe Harbor Provisions Departmental Time Reports Fair Labor Standards Act (FLSA) Salary/Wage Ordinances
5. **RESPONSIBILITY**
 - a. The Human Resources Director, Finance Director, and each Department Head are responsible for ensuring all employees are paid in accordance with federal and state laws, City of West Allis Ordinances and Policies and Procedures.
 - b. All officers and employees, excluding elected officials, shall enter time worked as well as leave time into the City’s time keeping systems. Any false or inaccurate reporting of time may subject the officers or employees to discipline, up to and including termination of employment.
 - c. Each Department Head or designee shall certify the time records entered by employees in the City’s time keeping systems. Employees and officers shall not approve their own timesheets. Any false or inaccurate approvals of time may subject the Department Head or designee to discipline, up to and including termination of employment.
 - d. The Comptroller/Finance Director is responsible for processing the City’s bi-

weekly payroll. In preparing the payroll, the Comptroller/Finance Director shall review the Time Reports submitted by the Departments/Divisions for completeness. The Comptroller/Finance Director shall verify and keep a record of the time allowed to employees for vacations and leave due to sickness or other causes and shall certify that the total time allowed to any one employee is correct and in accordance with City policy. Where the allowances with pay are contrary to City policy, the Comptroller/Finance Director shall make the necessary inquiry and withhold such payments of salaries or wages until such pay is validated.

- e. All time must be entered and approved by the close of business on the Monday after the end of the bi-weekly pay period. Earlier deadlines will be provided to employees if required to accommodate payroll processing during holiday weeks. Late time entry will result in a delay in receiving paychecks.

6. PROCEDURES BY CLASSIFICATION

- a. Exempt Employees are paid on a salary basis in accordance with FLSA, except as it relates to overtime, compensatory time, and premium pays outlined in Policy 1424. Payroll reporting is on a bi-weekly basis using the City's time keeping systems. Employees shall use the appropriate codes to report time worked and leave taken. Paid leave may be used ~~and reported in 4 or 8 hour increments~~ based on department staffing needs and subject to department head approval.
- b. Non-Exempt employees are paid on an hourly basis using the City's timekeeping systems. Said employees must record their hours worked and absences daily. Hours are approved by the Department Head or designee and submitted to Payroll on a bi-weekly basis as defined in Section 5(e). All hours shall be reported in .25 hour increments; rounding of the same shall be dictated by the US Department of Labor rules. Specifically, employee time from 1 to 7 minutes will be rounded down and not counted as work time, and employee time from 8 to 14 minutes will be rounded up and counted as a quarter hour of work time. For example, if the employee works seven hours and fifteen minutes, the time should be reported as 7.25 hours worked. If the employee leaves one and one half hours early for vacation, the time should be reported at 6.5 hours worked and 1.5 vacation hours. All non-exempt staff must report all of the time they work. All non-exempt staff must report all absences, including but not limited to:
 - i. Paid absences for holidays, vacation, sick leave, funeral leave, FMLA, jury duty, military leave, bone marrow and organ donation leave and worker's compensation.
 - ii. Unpaid disciplinary suspensions of one or more full days in accordance with the City's policies.
 - iii. Deductions for unpaid leave taken in accordance with absences under FLMA. Non-exempt employees shall use the City's time keeping systems for payroll reporting. Overtime, Compensatory Time, and Premium Pays shall be administered in accordance with Policy 1424. Employees shall use the appropriate codes to report all time worked

- and leave taken.
 - c. Pay for Employees in Miscellaneous Positions Employees must report their hours worked on a daily basis using the City's timekeeping systems. All hours should be reported in .25 hour increments.
 - d. Police and Fire Department Employees. Employees of the Police and Fire Department shall report time in accordance with Department policy and procedure as approved by the Police and Fire Commission (PFC)
7. RETROACTIVE TIME CHANGES AND APPROVALS If an employee's time record needs to be adjusted after the payroll has been executed, the Department Head or designee must contact the Finance Department for specific instructions on how to remedy the incorrect entry.
8. PAYROLL DEDUCTIONS
- a. Deductions made from an employee's gross pay include, but are not limited to (NOTE: not all are applicable to every employee):
 - i. City Sponsored Charity Drives
 - ii. Delinquent Taxes
 - iii. F.I.C.A (Social Security)
 - iv. Federal Income Taxes
 - v. Insurance Premium Share (such as Health, Dental, Life Insurance)
 - vi. Other City sponsored Investment Program Contributions (such as IRAs)
 - vii. Section 125: Flexible Benefits
 - viii. Section 457: Deferred Compensation
 - ix. State Income Taxes
 - x. State of Wisconsin, Department of Employee Trust Fund's Wisconsin Retirement System Contributions
 - xi. Police and Fire Union Dues
 - xii. Voluntary Time Off
 - xiii. Wage Assignments
 - xiv. Other deductions as mutually agreed upon by the City and the employee, or as allowed per federal and/or state laws or regulations.
 - b. Deceased Employees. In case of the death of an employee to whom wages or salary are due, the amount of the wages or salary due, less applicable deductions, shall be made payable to the estate of the employee.
9. PAY PERIODS/PAY CHECKS
- a. The pay period runs from Sunday of the first week through Saturday of the second week, with payment generally being made on the Friday following the end of the pay period.
 - b. Employees are paid on a bi-weekly basis through direct deposit.

Effective Date: 1/1/82

Revision Date: 6/6/17

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