

## CITY OF WAUWATOSA

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### EMPLOYEE RELATIONS COMMITTEE MEETING

Tuesday, October 28, 2003  
Council Chambers

PRESENT: Aids. Casey, Heins, Jenkins, Kopischke, Stepaniak – 5

ALSO PRESENT: T. Wontorek City Admin.; A. Kesner, City Atty.; W. Kappel, Public Works Dir.; M. Brown, Personnel Dir.; J. Wojcehowicz, Water Supt.; L. Wozny, Meter Serv., Water

Ald. Jenkins as Chair called the meeting to order at 7:30 p.m.

#### **Reinstatement of previously accrued sick leave benefits**

Mr. Brown said Mr. Wozny was laid off from the position of facility and safety manager in February of this year. He was subsequently hired as a meter service person in the water department in September. Mr. Wozny is now a represented employee in his new position. Mr. Wozny has been informed that the personnel department could not find any authorization to restore his sick leave.

Mr. Wozny said he was not asking for anything special and unique, only that he would like to recover the sick leave he had earned. He had over 800 hours of recorded sick leave and he has never abused the benefit. He was employee #5243 when he was laid off and his employee number is still the same. He asked the committee to restore his earned sick leave.

Mr. Brown said there are no records indicating any actions taken in the case of other employees that have been reinstated and retained sick leave hours.

Mr. Wojcehowicz asked that the committee do what is right for an employee who served in a management position for many years and was laid off.

Ald. Grimm noted that the former City Administrator was given all the sick leave he had accrued from his position in Illinois. He added that the City Clerk and an employee in the garage were able to carry over their sick leave as well.

Ald. Stepaniak asked if there was any documentation in those cases. Mr. Kappel said he was personally involved with the case of the employee in the garage. That person was still on paid leave when he decided to return and his benefits reinstated. Ald. Stepaniak said he was leery of setting a precedent on the basis of perceived facts in other cases. In the case of the former City Administrator, the sick leave was negotiated. He has seen the committee try to do something that seemed appropriate in the past that they later regretted. This is an ongoing concern especially in the face of a tough budget year and the rising cost of health benefits.

Ald. Kopischke said he would prefer to hold this item in order to discuss a general policy first. When the policy is decided, the committee can act retroactively on Mr. Wozny's request. Mr. Kesner said the reason for separating the two issues is that Mr. Wozny is now a represented employee and the policy will be addressed in the collective bargaining talks. The other agenda item addresses the reinstatement of sick leave for non-represented employees.

Ald. Heins asked if the policy should have special consideration because the individual is moving from a non-represented to a represented position. Mr. Kesner responded that the request should be considered in light of Mr.

Wozny's status as a represented employee. Ald. Heins thought there was something to be said for a faithful employee that has not abused sick leave. She suggested that the committee could offer a token number of hours or some percentage of the 800 hours Mr. Wozny had accrued. Mr. Kesner said the issue would be more complicated if only a portion of the sick leave were to be reinstated. Mr. Brown noted that Mr. Wozny has been given credit for his previous service and has had his vacation reinstated. Mr. Wozny said he assumed that the union contract provided for a two year window for rehiring with regard to reinstating benefits.

Ald. Casey said this request should probably be treated as a policy issue. He wanted to know what was done in the case of the City Clerk's sick leave reinstatement.

Moved by Ald. Casey, seconded by Ald. Heins to hold the item for further information on the City Clerk's sick leave reinstatement – 5

**Policy related to the re -instatement of sick leave for non-represented employees**

Mr. Kesner said the question is whether or not to set policy for non-represented employees on the reinstatement of sick leave upon re-employment with the city.

Mr. Brown said that Mr. Wontorek had pointed out that the employee council's position is that the non-represented employees should not benefit or be penalized in this regard other than adopting the way the represented groups handle this policy.

Ald. Kopischke said in terms of a broad policy, the reinstatement of accrued sick leave should be a point of negotiations; particularly in the case of non-represented employees. If a policy is set that says the accrued sick leave is carried over, the city may be put in the position of having to choose between hiring a person without accrued sick leave over a person who has a large amount of accrued sick leave. Mr. Brown noted that it is very unusual for a city to negotiate below the department head level on health benefits.

Moved by Ald. Kopischke, seconded by Ald. Stepaniak to recommend establishing a policy of no reinstatement of sick leave unless it is negotiated --

Mr. Kesner suggested handling the issue through policy and procedures. He assured the committee that there was absolutely no provision for payment of sick leave.

Vote on the motion was Ayes: 5

The meeting adjourned at 7:50 p.m.

Carla A. Ledesma, City Clerk  
City of Wauwatosa

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