

**CITY OF WEST ALLIS
RESOLUTION R-2023-0095**

**RESOLUTION TO CREATE POLICY AND PROCEDURE FOR BILINGUAL PREMIUM PAY
AMENDING POLICY 1424**

WHEREAS, providing city services through accessibility, openness, and transparency is a City of West Allis core value; and

WHEREAS, it is most cost-effective and reflective of our community to employ persons who are bilingual and utilize that skill at work regularly;

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

SECTION 1: **AMENDMENT** “1424 Overtime, Compensatory Time, And Premium Pay” of the City Of West Allis Policies & Procedures is hereby *amended* as follows:

AMENDMENT

1424 Overtime, Compensatory Time, And Premium Pay

1. PURPOSE

To describe the policies and procedures of the City of West Allis in regard to overtime, compensatory time, and premium pay for City employees.

2. ORGANIZATIONS AND PERSONS AFFECTED

This policy applies to all City of West Allis departments, boards, commissions, and City employees except represented protective service employees.

3. POLICY

It is the policy of the City to follow a uniform set of procedures in regard to overtime, compensatory time, and premium pay for City employees.

4. REFERENCES

City of West Allis Revised Municipal Code, Section 2.76 Fair Labor Standards Act (FLSA) City of West Allis Policies and Procedures Manual, Policy 1205 – Payroll & Time Records City of West Allis Policies and Procedures Manual, Policy 1318 – On-Call City of West Allis Policies and Procedures Manual, Policy 1412 – Holidays City of West Allis Policies and Procedures Manual, Policy 1454 – Work Hours and Schedules

5. DEFINITIONS. In this section, the following terms and phrases shall have the corresponding meanings:

<u>Bilingual</u>	<u>Able to proficiently and fluently interpret and translate, while maintaining intent and meaning, between the English language and either 1) American Sign Language or 2) a non-English language spoken by at least 5% of the City's population as determined by the most recent U.S. Census or American Community Survey.</u>
<u>Compensatory Time</u>	<u>Time off in lieu of overtime pay. Per the FLSA, Compensatory Time accrual for non-exempt employees shall not exceed 240 hours in a calendar year for non-protective service positions and 480 hours for protective service positions. Should compensatory time accrual exceed said hours in a calendar year, the additional time shall be compensated by a cash payment</u>
<u>Emergency Service</u>	<u>Work that must be done immediately to save lives and to protect property and public health and safety, or to avert or lessen the threat of a major disaster. The nature of Emergency Service shall be determined by the Department Head</u>
<u>Exempt Position</u>	<u>A position as evaluated, classified and adopted in the City's Pay Plan which is not entitled to overtime pay per the FLSA</u>
<u>Fair Labor Standards Act (FLSA)</u>	<u>The federal statute that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards. It also establishes criteria for exempt and non- exempt positions</u>
<u>FLSA Overtime</u>	<u>Hours worked in excess of 40 hours per work week by a non-exempt employee</u>
<u>Hours Worked</u>	<u>All time during a work week wherein an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed work place and/or is required or permitted to perform services of benefit to the employer; it does not include paid or unpaid leave time, such as, but not limited to: time off bank usage, extended sick leave bank usage, vacation, random holidays, sick leave, health care appointments, funeral leave, FMLA, or other time off</u>
<u>Non-Exempt Position</u>	<u>A position entitled to overtime pay per the FLSA. Under the FLSA, non-exempt employees are entitled to time and one-half their "regular rate" of pay for each hour worked over the applicable FLSA overtime threshold in the applicable FLSA work period</u>
<u>Premium Pay</u>	<u>Additional pay provided to employees for working certain types of hours or performing certain duties such as, but not limited to, overtime, incentive work, fill-in pay, interim assignment pay, and other miscellaneous premium pays identified herein</u>
<u>Special Service Overtime</u>	<u>Work that must be completed in order to meet statutorily required deadlines, services, or some other duty of similar nature. For use only when extraordinary circumstance exist, and the departmental salary budget has sufficient funds available for the overtime pay. Does not include the performance of routine or regular duties</u>

Compensatory Time: Time off in lieu of overtime pay. Per the FLSA, Compensatory Time accrual for non-exempt employees shall not exceed 240 hours in a calendar year for non-protective service positions and 480 hours for protective service positions. Should comp
Emergency Service: Work that must be done immediately to save lives and to protect property and public health and safety, or to avert or lessen the threat of a major disaster. The nature of Emergency Service shall be determined by the Department Head. Exempt Position: A position as evaluated, classified and adopted in the City's Pay Plan which is not entitled to overtime pay

~~per the FLSA. Fair Labor Standards Act (FLSA): The federal statute that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards. It also establishes criteria for exempt and non-exempt positions. FLSA Overtime: Hours worked in excess of 40 hours per work week by a non-exempt employee. Hours Worked: All time during a work week wherein an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed work place and/or is required or permitted to perform services of benefit to the employer; it does not include paid or unpaid leave time, such as, but not limited to: time off bank usage, extended sick leave bank usage, vacation, random holidays, sick leave, health care appointments, funeral leave, FMLA, or other time off. Non-Exempt Position: A position entitled to overtime pay per the FLSA. Under the FLSA, non-exempt employees are entitled to time and one-half their "regular rate" of pay for each hour worked over the applicable FLSA overtime threshold in the applicable FLSA work period. Premium Pay: Additional pay provided to employees for working certain types of hours or performing certain duties such as, but not limited to, overtime, incentive work, fill-in pay, interim assignment pay, and other miscellaneous premium pays identified herein. Special Service Overtime: Work that must be completed in order to meet statutorily required deadlines, services, or some other duty of similar nature. For use only when extraordinary circumstance exist, and the departmental salary budget has sufficient funds available for the overtime pay. Does not include the performance of routine or regular duties.~~

6. RESPONSIBILITIES

a. Department Heads

- i. Endeavor to minimize the need for overtime and compensatory time.
- ii. ~~File a quarterly report detailing overtime and compensatory time to the City Administrator who shall compile and communicate a summary report to the Administration and Finance Committee(Reserved).~~
- iii. Granting of all overtime, compensatory time, and premium pay is at the sole discretion of the Department Head and permission must be granted in advance.
- iv. Determine the nature of Emergency Service.

b. Employees Employees shall receive advanced permission prior to working overtime, earning premium pay, and working or using compensatory time.

7. OVERTIME PROCEDURES

a. FLSA Exempt Employees: Employees in FLSA Exempt positions, per the City of West Allis pay schedule adopted by the Common Council, are not eligible for overtime per FLSA. However, said employees shall be allowed flexibility with respect to the hours worked over 45 hours per week (e.g., late arrivals, longer lunches, early departures, and other personal accommodations).

i. FLSA Exempt Employees, other than those employees in the Executive or Managerial Service, Assistant City Attorneys, Assistant Chief in Fire Department, and Deputy Chiefs in the Police and Fire Departments shall not be compensated with pay for hours worked over 401 but less than 45 hours per work week; however flexibility shall be allowed with respect to the excess hours. In addition, such employees are eligible for compensatory time earned at straight time (i.e., not time and one half or double time) for any regular hours worked in excess of 45¹ hours per week, except in the case of those who work a 4-2 schedule, compensation at straight time shall be earned when hours worked exceeds four (4) hours beyond their normal work schedule for that week.

ii. Compensatory Time Earned Unless otherwise noted, overtime work shall be credited to a compensatory time account. Compensatory time earned may be used for time off when approved by an employee's Department Head.

iii. Compensatory Time Paid as Overtime

- (1) In December of each year, an employee will receive payment for all hours of compensatory time in excess of 60 hours that are listed in their account as of the last pay period ending in November of that year.
- (2) Any unused compensatory time earned between the last pay period ending in November through December 31 of that year, which causes the compensatory time accrual to exceed 60 hours, shall be paid out as overtime.
- (3) An employee, with the approval of their Department Head, shall have the option to

receive payment for all or any part of the hours in their compensatory time account. Such payment shall be made by the second pay period following the request. All hours to be paid under this section will be subtracted from the employee's account as of such pay period.

iv. Compensatory Time Carryover

- (1) An employee shall be allowed to carry over a maximum of 60 hours of compensatory time into the next calendar year.
- (2) Under extenuating circumstances, an employee may request and the City Administrator may approve the carryover of more than 60 hours.
- (3) All compensatory time hours carried into the next calendar year shall only be granted as time off. When compensatory time is taken, said time shall first be reduced from the hours that were carried over. At separation of employment, carried over compensatory time shall extend the term of employment.

b. FLSA Non-Exempt Employees

i. FLSA Overtime Earned An employee in a FLSA Non-Exempt Position per the City of West Allis pay plan adopted by the Common Council shall be paid overtime at the FLSA rate of one and one-half times their regular rate of pay for Hours Worked in excess of 40 per work week.

ii. Compensatory Time in Lieu of Overtime

- (1) An employee may request to have hours added to their Compensatory Time account in lieu of FLSA Overtime pay. In December of each year, an employee will receive payment for all hours of Compensatory Time in excess of 60 hours that are listed in their account as of the last pay period ending in November of that year. An employee shall be allowed to carry over a maximum of 60 hours of Compensatory Time into the next calendar year. All Compensatory Time hours carried into the next calendar year shall only be compensated as time off. When Compensatory Time is taken, said time shall first be reduced from the hours that were carried over.
- (2) Employees in the Engineering Department or Police Department, at the discretion of the Department Head, shall be allowed to carry over up to 120 hours in their Compensatory Time account for use as time off only; however, the balance in said account shall be reduced to 40 hours by April 30.
- (3) An employee with the approval of their Department Head shall have the option to receive payment for all or any part of the hours remaining in their Compensatory Time account (excluding any hours carried over from the previous calendar year). Such payment shall be made by the second pay period following the request. All hours to be paid under this section will be canceled from the employee's account as of such pay period.
- (4) Public Works Department (PW) Employees not assigned on a regular basis to office positions shall be paid for any overtime work unless an employee requests the overtime to be added to their Compensatory Time account.

iii. Double Time- 5-2 Schedule Employees (4-2 Schedule Employees excluded) Overtime at the rate of double their regular rate of pay shall be paid or accrued for all hours worked on Sundays and paid holidays, if not part of the employee's regular work schedule. This provision shall only apply to employees who are required to work on Sundays or holidays if 40 hours paid during the same week. An employee who chooses to work on those days shall not be entitled to double time pay.

c. Part-Time Employees

i. Part-Time FLSA Exempt Employees: Any hours worked in excess of their normal budgeted schedule can either be paid or accrued as compensatory time at straight-time, depending on Department staffing needs, budgetary availability, and Department Head approval.

ii. Part-Time FLSA Non-Exempt Employees Who Work 40 Hours or Less in a Work-Week: Any hours worked in excess of their normal budgeted schedule can either be paid or accrued as Compensatory Time at straight-time, depending on Department staffing needs, budgetary availability, and Department Head approval.

iii. Part-Time FLSA Non-Exempt Employees Who Work More Than 40 Hours in a Work

Week: Only with advance approval by the Department Head, Finance Director, and City Administrator, may such employee work in excess of 40 hours. With said approval, such employees shall be paid in cash at straight time up to 40 hours and any such hours worked over 40 hours may either be paid in cash or accrued as Compensatory Time at time and one-half (1½), depending on Department staffing needs, budgetary availability, and Department Head approval.

- d. Emergency or Special Service Overtime
 - i. Executive or Managerial Service Employees: In no case shall an Executive or Managerial Service employee receive Emergency or Special Service overtime or compensatory time.
 - ii. FLSA Exempt Employees: Overtime at the straight time rate of pay shall be paid for all Emergency or Special Service work or Special Service work performed by employees after reaching 40 hours paid in a week. Employees may request compensatory time in lieu of overtime.
 - iii. FLSA Non-Exempt Employees: Overtime at the rate of time and one half (1½) the regular rate of pay shall be paid for all Emergency performed by employees after reaching 40 hours paid in a week. Employees may request compensatory time in lieu of overtime.

8. PUBLIC WORK INCENTIVE ROUTE PROCEDURES

- a. Employees shall receive compensation equal to 8 hours of pay on any day designated as an “incentive work” day by the Director of Public Works/Engineering or his/her designee, even though they are allowed to “punch out” prior to completing 8 hours of actual work. Said employees may be required to perform other duties and/or participate in training. When required to perform other duties and/or participate in training during normal working hours (i.e., 7:00/7:30 a.m. to 3:00/3:30 p.m.), said time is considered part of the “incentive work” day and therefore no additional pay is provided. Example: an employee attends training from 7:00 a.m. to 8:00 a.m. and then performs their incentive route collection from 8:00 a.m. to 1:30 p.m. (total of 6.5 hours worked); the employee would receive their regular 8 hours of incentive route pay.
- b. Incentive Refuse Task Rate. Employees working as collectors on incentive routes shall receive an additional \$2.00 per hour.
- c. Overtime at the rate of time and one-half (1½) the regular rate of employee pay shall be paid or accrued for all hours spent performing snow/ice control/removal (that is, after their incentive route duties have been successfully completed), between the hours of 7:00/7:30 a.m. and 3/3:30 p.m.; in excess of 8 hours per day; or on Saturday.
- d. Overtime at the rate of double the regular rate of employee pay shall be paid or accrued for incentive work on Sundays or paid holidays.
- e. Incentive Refuse Shortened Work Week Premium. On each day of a shortened work week either due to a Holiday, weather related issue or any other assignment issue, where it may require the collection of refuse/recycling services in a shortened work week/timeframe, the assigned personnel performing such services, working as collectors on an incentive refuse/recycling route and working 125% of a day’s assigned route (1¼) or more as necessary for each work day. The assigned collectors shall be compensated an additional 2 hours pay at time and one-half.

9. DEPARTMENT OF PUBLIC WORKS FILL-IN PAY (FIP)

- a. Fill-in Pay (FIP) for PW Employees performing job duties of a higher classification will be granted for one (1) full day of work (as defined within Policy 1454, Work Hours and Schedules, typically eight (8) hours). In other words, there will be no FIP for less than one (1) full day/eight (8) hours and no proration for partial days. FIP work shall generally apply to short-term situations, must be authorized in advance by the Department Head, and shall be documented using regular time processing methods. FIP shall be administered as follows:
- b. To provide additional compensation to those who are filling in for supervisor positions where directions and assignments need to be given, and oversight provided, to staff on days that the permanent supervisor is not available, or other similar assignments that distinctly require a

higher level of work to be completed in the regular employee's absence. It is not intended to be paid to employees who are taking over a portion of another employee's work such as answering phones or responding to walk in customers, and other similar duties. Employees filling in for positions 1-2 grades above the employee's position - \$20 per day. Employees filling in for positions 3 or more grades above the employee's position - \$40 per day.

c. Guidelines.

- i. If the superintendent is absent, the designated lead will be responsible to cover the superintendent duties - there will be no applicable FIP.
- ii. If the lead person is absent, the superintendent will be responsible to cover the lead duties (an exception may be made if the superintendent justifies the need for fill-in lead duties).
- iii. During a work day where both the superintendent and lead person are absent, the FIP will be awarded at the minimum level for that date; i.e., lead position.

10. INTERIM ASSIGNMENT PAY (IAP)

- a. Interim Assignment Pay (IAP) will be used as "temporary appointments" to higher job classifications and shall generally apply to long-term situations of two (2) weeks' time or more. IAP shall be formally processed using a Personnel Action Form (PAF). All job classifications, except Executive Service, shall be eligible for IAP. When a Department Head is aware of an absence of 30 or more consecutive calendar days, the IAP shall be paid from the first day of the temporary assignment.
- b. The IAP is based on the pay range of the position temporarily being filled, and shall provide at least a 3-5% pay increase over the employee's current pay rate.
- c. If a non-exempt employee is temporarily assigned to an exempt position, said employee retains their status as a non-exempt employee.
- d. If a temporary assignment extends beyond 90 consecutive calendar days, the Department Head may seek approval from the City Administrator and the Director of Human Resources to extend the appointment. Any temporary assignment extending beyond 180 consecutive calendar days must be approved by the Common Council and re-approved for every additional 90 consecutive calendar days thereafter.
- e. In the event an employee assumes a portion of the position's responsibilities, as determined by the Department Head, the Department Head shall prorate the applicable increase based on the percentage of the duties performed as related to the amount and level of difficulty of duties assumed. The Department Head shall document the duties to be performed on the PAF.
- f. For an employee receiving IAP, such pay shall not be compensated if that employee is either off of work in a non-working capacity, per 5(f), resulting in off work status past 5 work days. The person receiving IAP shall be compensated at his/her original pay rate prior to receiving the IAP.

11. MISCELLANEOUS PREMIUM PAY

- a. Emergency Service Call Back Pay: All Non-Exempt Employees (except Executive Service Employees) called in to perform Emergency Service shall be paid a minimum of two (2) hours at the employee's regular base hourly rate of pay if such emergency time worked is less than 1.4 hours (or less than 1 hour for work on Sundays/paid Holidays per Section 7(b)(iii)). Once an employee works equal to or more than 1.4 hours, all time worked will be compensated at time and one-half; or for Sundays/paid Holidays per Section 7(b)(iii), once an employee works equal to or more than 1 hour, all time worked will be compensated at double time. Scheduled overtime and scheduled call backs do not constitute emergency service call back. The decision as to the emergency nature of the service shall be determined by the Department Head.
- b. Dispatcher Training Task Rate Pay: Employees classified as a Dispatcher (excluding the Dispatcher/Trainer position) shall receive \$1.00 per hour for every hour worked training other Dispatchers.
- c. Acting Communications Supervisor (Dispatch Center) Pay: Employees classified as a Dispatcher shall receive \$1.50 per hour for every hour worked as an Acting Communications Supervisor.
- d. Watch Duty Pay: PW Employees shall receive \$100.00 per week when on Watch Duty. An

- additional \$45.00 per day shall be paid for each paid holiday per Policy 1412 – Holidays, which occurs during the on-call week. Refer to the Department’s Standard Operating Procedures manual along with supplements from individual Divisions which list the guidelines and responsibilities for those employees assigned watch duty.
- e. Shift Differential Pay: Shift differential shall not be paid for any position whose work schedule is outside of the normal hours of operation as set by the Revised Municipal Code, Department Head, or building policy.
 - f. Voting Equipment Technician Premium Pay: Employees shall receive \$0.50 per hour for every hour worked as a Voting Equipment Technician.
 - g. IT On-Call Premium: Employees of the IT Department assigned weekly on-call duties and responsibilities shall receive \$100.00 per week while on-call. An additional \$45.00 per day shall be paid for each paid holiday per Policy 1412 – Holidays, which occurs during the on-call week. Refer to Policy 1318 - On-Call for policies and procedures of the on-call process.
 - h. Annual Holiday Pay: Non-represented protective service personnel (Police Classifications: Lieutenant, Captain, Deputy Chief, Chief; Fire Classifications: Battalion Chief, Deputy Chief, Assistant Chief, Chief) working a 5-2 schedule (i.e., Monday-Friday), shall receive an amount equal to 6.26% of their annual pay on or about December 1 of every year; in addition, said personnel shall receive time off with pay for any holiday, covered under Policy 1412-Holidays, that falls on a scheduled work day. Those said non-represented protective service personnel working a 4-2 schedule (Police) or 24 hour duty (Fire), shall receive 11 days of 8 hour days of 8 hours each paid at time and one-half; however do not receive time off with pay for any holiday covered under Policy 1412-Holidays that fall on a scheduled work day. New employees and existing employees will be compensated on a pro-rated basis computed on time worked during that calendar year.
 - i. West Allis Resident Incentive Premium Pay: An employee who resides within the City of West Allis shall be granted an additional premium payment determined in the Salary Schedule; no post-dating or pre-dating shall take place. An employee is required to notify their Department Head within twenty-four (24) hours of any change in residency. The Department Head shall submit a PAF to the HR Department within 24 hours of notification.
 - j. Police Department SWAT Team Pay: Police Department non-represented staff who are members of the SWAT team shall receive an additional monthly payment consistent with represented SWAT team members’ monthly payment.
 - k. Paramedic Pay: Fire Department non-represented officers who hold paramedic certification shall be compensated at the same rate as represented employees of the Department who receive paramedic incentive pay.
 - l. Master Trade Licenses and Certification Pay: Effective June 1, 2017, an Electrical Mechanic or Plumber holding a Master License from the State of Wisconsin will receive an additional 2% of base pay (Step 1 of applicable position) to be paid over 26 pay periods for attaining and maintaining the Master License when approved in writing by the Director of Public Works. Equipment Mechanics holding a Certification from either a National Institute for Automotive Service Excellence (ASE) or the Structural Welding Certificate from the State of Wisconsin will receive an additional 2% of base pay (Step 1 of applicable position) to be paid over 26 pay periods for attaining and maintaining the certification or license. In addition, the City will pay for recertification, training, continuing education credits, and other fees necessary for the maintenance of said licenses and certifications.
 - m. Emergency Medical Dispatch Certification Pay: Police Department-Full-time Dispatchers, Police Communication Supervisors, and the Communication Manager holding Emergency Medical Dispatch certification shall receive an annual payment of \$300 payable in December.
 - n. Work Reduction Pay: Fire Department Battalion Chiefs receive work reduction days off, with compensation, due to their 24-hour work schedule. Each Battalion Chief will be credited with 216 hours of work reduction/compensatory time, consisting of nine (9) periods of twenty-four (24) hours each. The effect of the Work Reduction Pay is to reduce the average work week to 51.84 hours, and the basic work year to 2,695.68 hours.
 - o. Compression Pay Differential for Police and Fire Department Sworn Non-Represented

Employees: Compression Pay Differential provides for the following minimum pay difference for employees in such positions:

- i. Fire Chief: 29% above the Captain Max (which is 8% above the Assistant Fire Chief)
- ii. Assistant Fire Chief: 21% above the Captain Max (which is 8% above the Deputy Fire Chief)
- iii. Deputy Fire Chief: 8% above the Captain Max (which is 5% above the Fire Battalion Chief)
- iv. Fire Battalion Chief: 8% above the Captain Max
 - (1) Battalion Chiefs work a normal schedule of 51.84 hours per week. Therefore, these positions do not earn regular overtime until greater than 51.84 hours are worked per week. Overtime earned by Battalion Chiefs is at straight time
- v. Police Chief: 29% above the Det. Sgt. Max (which is 8% above the Deputy Police Chief)
- vi. Deputy Police Chief: 21% above the Det. Sgt. Max (which is 8% above the Police Captain)
- vii. Police Captain: 13% above the Det. Sgt. Max (which is equivalent to the Police Lt.)
- viii. Police Lt.: 8% above the Det. Sgt. Max

p. Bilingual Premium Pay: Each bilingual employee shall receive \$50 per pay period if the employee is:

- i. A non-probationary, non-sworn, FLSA-exempt, regular full-time employee;
- ii. Not required to use a second language in their regular job duties;
- iii. Employed in a customer-facing position;
- iv. Utilizing their bilingual skill in necessary situations at least 10% of hours worked;
- v. If interpreting American Sign Language, licensed under Wis. Stat. 440.032.
- vi. Approved for premium pay by that employee's Department Head, the HR Director, and the City Administrator.
 - (1) Approval is based upon the employee's proficiency, how frequently the employee serves as an interpreter or translator when asked by other employees within and outside the employee's department, and the employee's availability to translate or interpret during non-scheduled work hours and emergencies.
 - (2) Approval may be suspended or rescinded if the employee is not rated as performing during a performance review, the employee is reassigned to a different job position, the functions of the job position no longer meet the requirements for this premium pay, the employee does not maintain proficiency, or the employee is off work in a non-working capacity resulting in off work status for an entire pay period.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of West Allis

Dan Devine, Mayor, City Of West Allis