



**POLICIES AND PROCEDURES MANUAL**

<b>SUBJECT</b> Overtime, Compensatory Time, and Premium Pay	<b>DEPARTMENT</b> Human Resources		<b>DEPARTMENT IDENTIFICATION</b> 1400	
	<b>SECTION</b> 1424	<b>PAGES</b> 1-7	<b>EFFECTIVE DATE</b> 1/1/82	<b>REVISION DATE</b> 4/4/16 date approved by CC

1.0 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.

2.0 ORGANIZATIONS AND PERSONS AFFECTED

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

3.0 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.

4.0 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 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

5.0 DEFINITIONS

- 5.1 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 compensatory time accrual exceed said hours in a calendar year, the additional time shall be compensated by a cash payment.
- 5.2 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.
- 5.3 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.
- 5.4 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.

- 5.5 FLSA Overtime: Hours worked in excess of 40 hours per work week by a non-exempt employee.
- 5.6 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: vacation, holidays, sick leave, health care appointments, funeral leave, FMLA, or other time off.
- 5.7 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.
- 5.8 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.

## 6.0 RESPONSIBILITIES

- 6.1 Department Heads
- Endeavor to minimize the need for overtime and compensatory time.
  - 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.
  - 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.
  - Determine the nature of Emergency Service.
- 6.2 Employees  
Employees shall receive advanced permission prior to working overtime, earning premium pay, and working or using compensatory time.

## 7.0 OVERTIME PROCEDURES

- 7.1 FLSA Exempt Executive and Managerial Service: An employee classified within the Executive or Managerial Service and Assistant City Attorneys shall not be compensated with pay for work performed in excess of the normal 40 hour work week (excess hours) however flexibility shall be allowed with respect to the excess hours (e.g., late arrivals, longer lunches, early departures, and other personal accommodations). Said employees shall be allowed to use up to 8 consecutive hours of their excess hours at any one time on a non-regular basis.
- 7.2 FLSA Exempt Employees: An employee in a FLSA Exempt position, other than someone in the Executive or Managerial Service an Assistant City Attorney (see 7.1.1), per the City of West Allis pay schedule adopted by the Common Council is 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 45 hours per week.
- 7.2.1 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.
- 7.2.2 Compensatory Time Paid as Overtime

- a. 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.
- b. 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.
- c. 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.

7.2.3. Compensatory Time Carryover

- a. An employee shall be allowed to carry over a maximum of 60 hours of compensatory time into the next calendar year.
- b. Under extenuating circumstances an employee may request and the City Administrator may approve the carryover of more than 60 hours.
- c. 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.

7.3 FLSA Non-Exempt Employees

7.3.1 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 rate of one and one-half times their regular rate of pay for Hours Worked in excess of 40 per work week.

7.3.2 Compensatory Time in Lieu of Overtime

- a. 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.
- b. Employees in 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.
- c. 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.

- d. 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.

#### 7.3.3 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. An employee who chooses to work on those days shall not be entitled to double time pay.

#### 7.4 Part-Time Employees

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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 (1-1/2).

#### 7.5 Emergency Service Overtime

- 7.5.1 Executive or Managerial Service Employees  
In no case shall an Executive or Managerial Service employee receive Emergency Service overtime or compensatory time.
- 7.5.2 FLSA Exempt Employees  
Overtime at the rate of one times the regular rate of pay shall be paid for all Emergency Service work performed by employees after reaching 40 hours paid in a week. Employees may request compensatory time in lieu of overtime.
- 7.5.3 FLSA Non-Exempt Employees  
Overtime at the rate of one and one half times the regular rate of pay shall be paid for all Emergency Service work performed by employees after reaching 40 hours paid in a week. Employees may request compensatory time in lieu of overtime.

#### 8.0 PUBLIC WORK INCENTIVE ROUTE PROCEDURES

- 8.1 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.

- 8.2 Incentive Refuse Task Rate. Employees working as collectors on incentive routes shall receive an additional \$0.75 per hour.
- 8.3 Overtime at the rate of time and one-half (1-1/2) 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.
- 8.4 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.
- 8.5 Incentive Refuse Shortened Work Week Premium. On each day of a shortened work week when Employees working as collectors on an incentive route work 125% of a day's route (i.e. 1 ¼ daily route), they shall be compensated an additional 2 hours pay at time and one-half.

#### 9.0 DEPARTMENT OF PUBLIC WORKS FILL-IN PAY (FIP)

- 9.1 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:

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.

#### 10.0 INTERIM ASSIGNMENT PAY (IAP)

- 10.1 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.
- 10.2 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.
- 10.3 If a non-exempt employee is temporarily assigned to an exempt position, said employee retains their status as a non-exempt employee.
- 10.4 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.
- 10.5 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.

## 11.0 MISCELLANEOUS PREMIUMS

- 11.1 Emergency Service Call Back: Non-Exempt 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 6.1.3 (2). 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 66.1.3 (2) 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.
- 11.2 Police/Fire Dispatcher Training Task Rate: Employees classified as a Police/Fire Dispatcher (excluding the Dispatcher/Trainer position) shall receive \$1.00 per hour for every hour worked training other Dispatchers.
- 11.3 Watch Duty: 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.
- 11.4 Shift Differential: 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.
- 11.5 Voting Equipment Technician Premium. A Voting Equipment Technician shall be paid as follows:
- a. If the employee's pay range is less than the Voting Equipment Technician pay range the employee shall be paid at the Voting Equipment Technician pay range; placement within the pay range will be determined per City Policy 1110 – Creating, Maintaining, and Administering Pay Ranges.
  - b. If the employee's pay range is equal to or higher than the Voting Equipment Technician's salary range, he/she shall receive an additional \$0.40 per hour for each hour worked as a Voting Equipment Technician if not certified as a Chief Election Inspector or \$0.50 per hour for each hour worked as a Voting Equipment Technician if certified as a Chief Election Inspector.
- 11.6 Center for Excellence On-Call Premium. Employees of the Center for Excellence 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.
- 11.7 Annual Holiday Pay. Non-represented protective service personnel<sup>1</sup> 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, exclusive of random holidays, that fall on a scheduled work day. Those said non-represented protective service personnel<sup>1</sup> working a 4-2

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<sup>1</sup> Police Classifications: Lieutenant, Captain, Deputy Chief, Chief; Fire Classifications: Battalion Chief, Assistant Chief, Deputy Chief, Chief

schedule (Police) or 24 hour duty (Fire), shall receive 11 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 exiting employees will be compensated on a pro-rated basis computed on time worked during that calendar year.

- 11.8 West Allis Resident Incentive Premium. An employee who resides within the City of West Allis shall be granted an additional 2% on top of the established pay for their position. This additional 2% premium payment shall be determined on an ongoing basis by the actual locational status of the employee from the exact date that residency to non-residency or non-residency to residency occurs; 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.
- 11.9 Fire Department Longevity Allowance. All full-time employees of the City of West Allis Fire Department with 15 years or more of consecutive service shall be paid a longevity allowance in addition to their base pay, said allowance to consist of Five Dollars (\$5.00) per month for every five years of consecutive service with the City, with the maximum allowance of Twenty-Five Dollars (\$25.00) per month. Full-time employment by the City, in any classification, shall be used in computing the longevity allowance.
- 11.10 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.
- 11.11 Fire Department Non-represented officers who hold paramedic certification, shall be compensated in the same rate and manner as represented employees of the Department who receive paramedic incentive pay.
- 11.12 Department of Building Inspections and Neighborhood Services Effective January 1, 2013, a Building, Plumbing and/or Electrical Inspector holding an additional State of Wisconsin Inspector Certification above and beyond the certifications required in their respective position description will be compensated \$520 per calendar year to be paid over 26 pay periods when approved in writing by the Director or Assistant Director of BINS. In addition, the City will pay for recertification, training, continuing education credits and other fees necessary for the maintenance of that Inspector Certification.
- 11.13 Police Department-Full-time Dispatchers holding Emergency Medical Dispatch certification shall receive an annual payment of \$300 payable in December.