

**CITY OF WAUKESHA
HUMAN RESOURCES POLICY/PROCEDURE**

**POLICY C-6 OVERTIME PAY, COMPENSATORY TIME OFF AND
OUT OF CLASSIFICATION PAY**

Policy: The City of Waukesha desires to establish a written policy in regard to overtime pay and compensatory time off by setting forth a uniform set of procedures.

I. EXEMPT EMPLOYEES

The City expects that employees filling exempt salaried positions may work both above and below forty (40) hours in a week. However, regular excessive work should equal a reasonable amount of compensatory time off. Compensatory time off must be authorized by the department head.

General Guidelines.

1. **No Overtime Compensation, Exempt under FLSA:** Those job classifications contained within Appendix A and listed as “exempt” are excluded from eligibility for overtime accrual and payment. Therefore, employees filling these job classifications are not eligible for wage payment for any hours worked beyond the regular work schedule. Employees filling exempt salaried positions are compensated, not primarily on the basis of specific hours of labor, but on the basis of the duties and responsibilities required of their positions. Such employees are required to satisfactorily discharge the full duties and responsibilities of their positions, whether work is required in excess of their regular hours of work or not.
2. **Reporting Hours of Work:** All City employees will report all hours of work (daily start and ending times) and all time taken off on their biweekly payroll record. This payroll record shall be verified and approved by the employees' supervisor and/or department head.
3. **Workweek/Workday Defined:** Employees in exempt salaried positions are expected to work a minimum of forty (40) hours weekly, normally consisting of five (5) consecutive workdays of eight (8) consecutive hours each day with a scheduled unpaid one-half (1/2) hour lunch period. Lunch periods will be scheduled by the department head to accommodate the staffing needs of the department. The department director shall establish the regular hours of work (work schedule) for employees within the department based upon the operational needs of the work unit. When any exempt salaried position, because of special or unique circumstances, regularly or frequently requires work in excess of the regular workweek, such circumstances and hours of work characteristics are considered as factors when the classification is established, and within the annual compensation of such positions.
4. **Exempt Compensatory Time Defined:** There are circumstances when exempt salaried employees need time off for personal reasons. These could be emergencies, personal problems or personal matters or any of many similar situations. Compensatory time off with pay and benefits (up to one day) may be approved in advance by the supervisor. Advance notice and approval of compensatory time off, beyond one day, must be approved by the department director.
5. **Police Department:** The Overtime/Compensatory Policy of the Police Department is authorized and attached as Supplement A to this policy.
6. **Fire Department:** The Overtime/Compensatory Policy of the Fire Department is authorized and attached as Supplement B to this policy.

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7. Snow Removal:

A. Work performed under the following circumstances shall be paid at the rate of time and one-half (1-1/2X) the base rate to *assigned superintendents or supervisors only*:

Emergency work for snow removal operations which is in excess of the forty (40) hours in a workweek or which occur from 12:01 a.m. on Saturday through 12 p.m. Friday. Pyramiding of overtime is prohibited which means that any hours worked which are paid at an overtime rate within a workweek will not be counted for the purposes of determining overtime eligibility. Approved vacation, compensatory time, personal holidays, and holidays shall be counted for the purpose of determining overtime eligibility.

II. NON-EXEMPT EMPLOYEES

General Guidelines:

1. **Overtime Compensation:** Those job classifications contained within Appendix A and listed as “non-exempt” are eligible for overtime accrual and payment. Employees filling these job classifications are eligible for wage payment for any hours actually worked in excess of forty (40) hours per workweek or for any hours actually worked between midnight Friday and midnight Sunday provided such hours are not part of the employee’s regular schedule. Pyramiding of overtime is prohibited which means that any hours worked which are paid at an overtime rate within a workweek will not be counted for the purposes of determining overtime eligibility. Approved vacation, compensatory time, personal holidays, and holidays shall be counted for the purpose of determining overtime eligibility. Supervisors are strongly encouraged to adjust work schedules to avoid incurring overtime.

Distribution of Overtime Opportunities. As far as practicable, departments shall equalize overtime opportunities on a calendar year basis between employees within each job classification.

2. **Reporting Hours of Work:** All non-exempt City employees will report all hours of work (daily start and ending times and lunch starting and ending times) and all time taken off and on their biweekly payroll record. This payroll record shall be verified and approved by the employees’ supervisor and/or department head.
3. **Workweek/Workday Defined:** The department director shall establish the regular hours of work (work schedule) for employees within the department based upon the operational needs of the work unit. The workweek for City employees runs from 12:01 a.m. Saturday through 12 p.m. Friday

Schedule changes may be made on a daily basis to meet the operational needs of the department or to avoid incurring overtime. Long term changes to an employee’s regular schedule must be preceded by a two week notice to the employee unless an emergency need justifies shorter notice. Long term changes to an employee’s regular schedule must be reported to the Human Resources office at the time notice is provided to the employee so that appropriate payroll changes can be made.

4. **Compensatory Time Off:** An employee may choose to be paid for overtime worked in a pay period, or may choose to bank the overtime hours to be used as compensatory time off. This election cannot be changed at a later date.

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Employees may not exceed eighty (80) hours of banked compensatory time at any given time. Its use shall be governed as follows:

- A. Compensatory time off may be taken at a time approved by the employee's immediate supervisor and will not be unreasonably denied.
 - B. In the case of documented non-emergency legal, medical or dental appointments, or a documented emergency, compensatory time off shall be allowed proportionate to the time necessary to be away from work for the appointment or emergency.
 - C. Non-FMLA eligible compensatory time off will be scheduled and approved on a first come – first served basis.
 - D. Compensatory time off will not interfere with the performance of department services.
 - E. Accumulated compensatory hours shall be transferable from one department to another due to the transfer of an employee. Accumulated unused compensatory time will be paid out when the employee leaves City employment.
5. **Police Department:** The Overtime/Compensatory Policy of the Police Department is authorized and attached as Supplement A to this policy.
6. **Fire Department:** The Overtime/Compensatory Policy of the Fire Department is authorized and attached as Supplement B to this policy.
7. **On-call/Standby:**
- A. A department may designate an employee to be “on call” or in a “standby” status as required by the operational needs of the department.
 - B. An employee is considered to be on-call and subject to all provisions referring to on-call when that employee is scheduled to be on-call, is receiving on-call premium pay, and is required to carry the remote interface device during the hours designated by the department director or employee's supervisor.
 - C. Designated employees are responsible for coverage during the hours which have been designated. If an employee cannot comply with this requirement due to an emergency situation the employee must notify the his/her supervisor immediately
 - D. On-call employees must be ready and able to respond to alarms or emergencies or as otherwise directed within an established response time. Failure to respond within the established time period may lead to disciplinary action as provided for in the labor agreement.
 - E. Only time spent responding to a call shall count as hours worked. On-call time itself shall not count as hours worked.
 - F. On-call pay shall be \$1.50 per hour.
8. **Callback pay:** Employees called into work outside of their regular schedule and not contiguous to the beginning or end of their assigned hours of work (shift) shall be entitled to a minimum of two (2) hours work, or pay therefor, at the applicable rate. Employees must travel to the work site in order to be eligible for callback pay. Employees are not entitled to additional pay for travel (commute) time to and from their residence.
9. **Shift differential:** A shift differential of \$0.25 per hour will be paid for all hours worked by a full-time employee whose regularly scheduled shift starts after 2:00 p.m.

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III. REPRESENTED EMPLOYEES

Overtime and compensatory time for represented employees shall be governed by the provisions of applicable labor agreements.

IV. AUTHORIZATION OF OVERTIME WORK

It is the policy of the City to provide sufficient staffing to permit work hours to be as close to a regular schedule insofar as may be practical and consistent with efficient operations. Therefore, department directors and supervisors may authorize overtime work when required. However, it is their responsibility to keep overtime work to a minimum by adjusting the work schedule (e.g. flex hours) as necessary and appropriate and yet fulfill the assigned duties and responsibilities of each employee and the department.

V. OUT OF CLASS PAY/TEMPORARY ASSIGNMENT (Non-Represented)

It is the policy of the City of Waukesha to provide compensation to qualified employees temporarily performing work of a higher level job classification. Out of class pay is intended to apply only to short term assignments of less than six months. Additional time may be authorized only in exigent circumstances.

Approval is required for temporary assignment of an employee to a position in a higher salary grade. Advance application by the Department in writing is required as set forth below. The application shall be submitted to the Human Resources Manager and shall include the following information:

1. Reason for the assignment (how and why it is absolutely essential and/or critical to the continued operation of the organizational unit);
2. Anticipated length of the temporary assignment;
3. Explanation as to why an alternative assignments are not being used; and,
4. Plan for resolving the out-of-class situation including what action will be taken at the conclusion of the assignment.

Out of class assignment applications will be approved only under the following circumstances:

- It is not practical or feasible due to time constraints to establish, recruit for and fill a temporary position;
- There exists an urgent and/or critical need to have duties and responsibilities performed during the absence of another employee;
- The department is in the process of recruiting to fill a permanent position; or
- Pending reorganizational changes within the department or changes in its leadership may impede or delay the department's ability to fill the permanent position.

In order to be eligible for out of class pay, the following must occur:

1. (a). City Administrator: The Mayor must assign the employee to perform the duties and responsibilities of the City Administrator position with confirmation by the Common Council;
(b). Department Directors other than Police Chief and Fire Chief and Elected Officials: The City Administrator must assign the employee to perform the duties and responsibilities of the Department Director with approval by the Mayor;
(c). Police Chief and Fire Chief: The Police and Fire Commission must assign the employee to perform the duties and responsibilities of the Chief;
(d). Elected Officials: Elected offices shall be filled as provided by §17.23, Wis. Stat.

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- (e). All other non-represented employees: The City Administrator must approve the application and the Department Director must assign the employee to perform the duties and responsibilities of a different job classification in a higher salary grade;
2. The employee must perform all, or substantially all, of the duties and responsibilities which distinguish the temporary assignment from the class in which the employee is currently classified;
 3. The employee must perform the temporary assignment for a qualifying time period of more than fifteen (15) consecutive full work days; and
 4. The employee must possess the state or federal licensure, registration or certification requirements as may be stated on the job description of the vacant position.

Pay Differential:

The pay differential shall be recommended by the City Administrator, approved by the Mayor in consultation with the Human Resources Manager. The Mayor or the City Administrator will determine the rate of pay for the temporary assignment taking into consideration the experience of the employee, years of service with the City and the salary level of the previous incumbent. The pay differential shall be limited by the salary grade of the vacant position.

Eligible employees shall receive pay differential for the ~~entire~~ **time worked in a** temporary assignment in a classification having a higher salary grade than the employee's permanent classification. **Vacation, sick leave, or other non-work shall be compensated at the employee's regular rate.**

The pay differential shall not be part of an employee's base for the purposes of salary adjustments or other salary transactions related to their regular appointment or subsequent appointments.

Passed this _____ day of January, 2015.

Approved this _____ day of January, 2015.

Mayor

ATTEST:

City Clerk/Treasurer

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JOB CLASSIFICATIONS

OVERTIME EXEMPT

(Executive, Professional, Administrative or Elected)

Mayor
 Accountant I
 Accountant II
 Admin. Assistant I - Comm Dev.
 Admin. Assistant II - Fire
 Administrative Supervisor
 Application Software Coordinator
 Assessor
 Assistant City Attorney
 Assistant Fire Chief
 Assistant Library Director
 Battalion Chief
 Building & Maintenance Supervisor
 Café Database Maintenance Coordinator
 Café Unicorn System Manager
 Cartographer
 Cemetery Manager
 Chief Building Inspector
 Circulation Supervisor
 City Administrator
 City Attorney
 City Engineer
 City Forester
 City Planner
 Clerical Supervisor
 Clerk/Treasurer
 Community Development Specialist
 Content Management Administrator
 Customer Serv & Admin Manager
 Deputy Clerk/Treasurer
 Deputy Fire Chief
 Deputy Library Director
 Deputy Police Chief
 Director of Community Development
 Director of Information Technology
 Director of Parks, Rec. & Forestry
 Director of Public Works
 Engineer I, II and III
 Executive Assistant
 Finance Manager
 Fire Chief

Fire Marshal
 Fire Protection Engineer
 GIS Coordinator
 Help Desk Specialist
 Human Resources Manager
 Human Resources Specialist
 Industrial Wastewater Specialist
 IT Technician
 Legal Assistant
 Librarian I and II
 Librarian Director
 Municipal Court Judge
 Municipal Parking Supervisor
 Parks & Forestry Operations Manager
 Parks Supervisor - Bldg./Grounds
 Planner I
 Planner II
 Police Captain
 Police Chief
 Police Lieutenant
 Police Sergeant
 Recreation Facilities Coordinator
 Recreation Programmer
 Recreation Services Manager
 Recreation Supervisor
 Senior Administrative Assistant
 Senior Application Software Administrator
 Senior Network & Security Admin
 SPARS Coordinator
 Special Event Coordinator
 Sports Coordinator
 Street Supervisor
 Technical Services Manager
 Technician II - Library
 Telecommunications Coordinator
 Transit Director
 Volunteer Coordinator
 Web Analyst Qual. Assur Coord.
 WWTP Maintenance Supervisor
 WWTP Process Control Supr
 WWTP Superintendent

OVERTIME ELIGIBLE

Account Clerk II, III, IV
 Administrative Assistant – Cem & Library
 Administrative Assistant - Mun. Court
 Administrative Assistant I - Public Works
 Administrative Assistant II - Police
 Administrative Technician
 Appraiser 1
 Appraiser 2
 Appraiser 3
 Arborist
 Bookkeeper
 Cemetery Service Specialist
 Clerk Typist I, II, III and IV
 Clerk Steno I, II, III and IV
 Confidential Secretary
 Court Clerk
 Crew Leader
 Custodian I, II and III
 Dispatcher
 Engineering Tech I, II, III, IV, V
 Gardener
 Grounds Maintenance
 Groundskeeper III
 Horticulturist
 Janitor
 Lab Technician
 Liftstation Maintainer
 Maintenance
 Maintenance Specialist
 Mechanic
 Motor Equip Op I, II, III, IV
 Office & Stock Room Attendant
 Operator
 Operator/Electrical
 Page/Shelver
 Parking Enf Agent I, II and III
 Payroll Specialist
 Print Shop Coordinator
 Rehabilitation Specialist
 Temp Laborer I and II
 Traffic Signal Maint II
 Welder
 Building Inspector
 Library Assistant
 Library Associate
 Customer Service Specialist

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Supplement A – Police Department

Overtime Compensation: Exempt and Nonexempt Classifications

Exempt and nonexempt Police Department personnel are employees filling authorized job classifications as defined by City ordinance or resolution.

Exempt (FLSA) Employees Defined: Chief of Police, Deputy Chief, Captains, Lieutenants, Sergeants, and Administrative Supervisors.

The above listed exempt employees will not accrue or be paid overtime, but shall be required to file with the designated administrative supervisor written notice of all hours worked in excess of their eight hour duty shift. As in the past exempt salaried employees can continue to ask for and, if approved by a supervisor, receive compensatory time off. Where there is regular excessive work a reasonable amount of compensatory time off may be granted.

Nonexempt (FLSA) Employees Defined: Administrative Assistant II and employees covered by labor contracts with the City of Waukesha. These employees will be compensated for authorized overtime worked based on Human Resources Policy C-6 or provisions of applicable labor contracts.

Employees assigned as Communications Training Officers will receive one (1) hour of compensatory time per day in addition to Daily Observation Report time as additional compensation while actually training employees.

Employees assigned as Primary Validation Officer shall receive additional compensation of \$500 per year, to be paid the first full pay period in December.

The workweek and workday of exempt and nonexempt sworn personnel shall be as established by the Chief of Police in accordance with current labor contracts with the City of Waukesha where applicable. Exempt civilian/sworn personnel duty hours shall average no less than 40 hours per week per year. Each shift will contain a half hour paid lunch period as scheduled and authorized by the Chief of Police. Nonexempt civilian personnel shall have such duty hours and workweek as established by the Chief of Police in accordance with current labor contracts where applicable.

It is acknowledged that the administration, supervisory personnel and sometimes, non-supervisory personnel are required to work additional hours beyond the regular work schedule. These additional hours shall be kept to a minimum, with the majority of any additional duties accomplished within the regular work hours. Overtime shall be kept to a minimum, permitting same only under exigent circumstances.

All personnel whether they are covered by a labor contract or not, shall be required to file an authorization for all hours which must be approved by signature of a supervisor authorizing same. All overtime authorizations shall be forwarded to the designated department administrative supervisor for proper recording. Each department shift commander and/or supervisor shall be held responsible and accountable to closely scrutinize each overtime authorization presented to him or her for approval to ascertain that the amount of overtime is warranted and accurate. Shift commanders and supervisory personnel shall permit subordinates compensatory time off based on maintaining proper staffing of their shifts and/or divisions.

In summation, it is incumbent upon each department shift commander, supervisor, and employee to minimize overtime at every opportunity, with only those incidences requiring overtime permitted.

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Supplement B - Fire Department (Non-rep)

- 1) Authorized compensatory time off may be granted for the following work, if it is in excess of the regular work schedule.
 - a) Call backs and time held over for all emergencies:
 - b) Attendance at the following meetings:
 - i) Staff meeting
 - ii) Standing committee
 - iii) Council meeting
 - iv) Other meetings in training necessary for the function of the department
- 2) All overtime work (Minimum Staffing Assignment) and any subsequent compensatory time off must be approved by the Chief.
- 3) **A Minimum Staffing Assignment (MSA) is defined as a 16 or 24 hour shift that is worked by a Fire Department Chief Officer in addition to, and outside of, their regularly scheduled work hours. This MSA is created when the Fire Department on-duty staffing level is below the established minimum and the scheduled on-duty Battalion Chief is one leave and/or there is no qualified person to work as an Acting Battalion Chief. The MSA can be worked by any off-duty Battalion Chief, Division Chief, Assistant Chief and/or Fire Chief through established departmental procedures.**
- 4) **The City Administrator will review and approve the compensation rates for the Minimum Staffing Assignment rate or the time allotment worked by the eligible non-represented Chief Officers in the Fire Department.**