


**COUNTY OF MILWAUKEE**  
Department of Human Resources  
INTEROFFICE COMMUNICATION

**DATE:** June 4, 2012

**TO:** Supervisor David Cullen, Chair, Committee on Personnel

**FROM:** Kerry Mitchell, Director, Department of Human Resources   
Prepared by: Kerry Mitchell & Sue Drummond, Payroll Manager

**SUBJECT: Quarterly Report on Overtime Paid**

**Issue**

Milwaukee County Code Section 17.16 governs overtime compensation for non-represented employees. As amended in November of 2009, the Code states that non-represented employees that are exempt from the requirements of the Fair Labor Standards Act (FLSA), other than ECP employees, shall be compensated for overtime for all hours worked in excess of forty hours in a week on a straight time basis and may only liquidate accrued overtime as compensatory time off. Accrued overtime for FLSA exempt staff will be paid out at termination. The Code requires the Director of Human Resources to provide the Personnel Committee with quarterly reports of all overtime paid to non-represented employees that are FLSA exempt.

**Background**

The FLSA is the federal regulation regarding minimum wage and overtime compensation. Employees of public agencies are subject to the FLSA. Employees are presumed to be covered by the FLSA, unless they meet certain specific conditions exempting them. The primary exemption that applies to County employees concerns executive, administrative, professional and some computer capacities.

In November of 2009, Milwaukee County amended Section 17.16(1)(b) of the County Code which governs overtime compensation for non-represented employees, as follows:

- Nonexempt employees: Employees holding positions which are non-exempt from the FLSA shall receive time and one-half for all hours worked over forty (40) hours per week.
- Exempt employees: Employees holding a position exempt from the FLSA who are not in an executive classification shall be compensated for overtime for all hours worked in excess of forty hours in a week on a straight time basis and may only liquidate accrued overtime as compensatory time off unless otherwise approved by the Director of Human Resources.

**Overtime Paid to Non-Represented Employees**

The attached spreadsheet summarizes overtime compensation to non-represented and FLSA exempt employees for Quarter 1 of 2012.

Per a memo to departments from the Controller, dated December 22, 2009, departments were to

grant overtime only in cases of critical need. Central Payroll, with the assistance of Human Resources, will continue to monitor requests for overtime payment to ensure that the pay policy is consistent with the County Code.

**Recommendation**

This report is informational only.

KJM/SD:jam

cc: Amber Moreen, Chief of Staff  
John Zapfel, Deputy Chief of Staff  
Jerry Heer, County Auditor  
Scott Manske, Comptroller  
Supervisor Willie Johnson, Chair, Finance & Audit Committee

# Quarterly Overtime Analysis

## Milwaukee County

For Personnel Committee June 21, 2012

	2012					2011			
	Q1	Q2	Q3	Q4	Total	Q1 & Q2	Q3	Q4	Total
<b>TOTAL Overtime Expense</b>									
<b>Hours</b>									
Hours of Overtime Accrued	3575.4				3,575	3372.1	3079.69	3401.5	9853.3
Hours of Overtime Paid Out	961.4				961	967.4	763.2	1179.4	2910
<b>Dollars</b>									
\$ Paid OT	\$70,210.40				\$70,210.40	\$58,497.78	\$ 47,689.62	\$ 64,703.24	\$ 170,890.62
<b>Employees</b>									
# Accrued OT	138				138	129	171	204	204
# Paid OT	13				13	15	24	34	34

Insert graph to depict annual comparisons by quarter