

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: October 19, 2011

TO: Supervisor Joe Sanfelippo, Chair, Personnel Committee *Candace M. Richards*

FROM: Candace Richards, Interim Director, DAS - Division of Human Resources

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. Exceptions may be approved by the Director of Human Resources, allowing these employees to be paid for accrued overtime rather than receive compensatory time off.

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:

- Non exempt 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 approved otherwise by the Director of Human Resources.

In March of 2010, the Board received a report from the Director of Human Resources presenting a consultant study of non-represented classifications. That study found that four classifications which had been classified as exempt from the FLSA should actually be classified as non-exempt. In the reverse, the consultant found 45 classifications that had been deemed non-exempt that should instead be classified as exempt from the FLSA.

Overtime Paid to Non-Represented Employees

The following table summarizes overtime compensation to non-represented and FLSA exempt employees for pay period 2, (January 2011) through pay period 21, (September 30, 2011).

Number of employees that accrued overtime		142
Total number of employees paid overtime		29
Hours of overtime accrued		6452
Hours of overtime paid out		1731
Total overtime paid out		\$106,187

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 overtime pay policies are consistent with the County Code.

Recommendation

This report is informational only.

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cc: George Aldrich, Chief of Staff
E. Marie Broussard, Deputy Chief of Staff
Jerry Heer, County Auditor
Scott Manske, Controller