



Milwaukee County

Legislation Text

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From the Director of Human Resources, an adopted resolution/ordinance amending Chapter 17.16(1) (b) of the Milwaukee County Code of General Ordinances regarding overtime compensation to make them consistent with the provisions of the Fair Labor Standards Act (FLSA). **(Quarterly reports due.) (INFORMATIONAL ONLY UNLESS OTHERWISE DIRECTED BY THE COMMITTEE)**

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 following table summarizes overtime compensation to non-represented and FLSA exempt employees for pay period 2 (January 2011) through pay period 1 (December 24, 2011). In a prior Personnel Committee meeting, a request was

made of the Department of Human Resources to report overtime broken down by quarter, to create a comparison for Supervisors to review. Moving forward, this will be reported to Personnel Committee using the attached spreadsheet, unless otherwise indicated by the Committee. Below, please review this quarter's overtime report.

Number of employees that accrued overtime Total number of employees paid overtime	204 34
Hours of overtime accrued	9,853.3
Hours of overtime paid out	2,910.0
Total overtime paid out	\$170,890.62

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.