



MEMORANDUM

To: City of Menasha Common Council

From: Peggy Steeno, ^{PS}Administrative Services Director

Date: February 11, 2015

RE: Recommended Changes to the Proposed Overtime Policy for Non-Represented, Non-Exempt Employees

BACKGROUND

Following the Personnel Committee's action, on February 2nd, on the proposed overtime policy for all non-represented, non-exempt employees, it was discovered that the proposed policy language did not cover all expected scenarios that could arise in relation to the policy. To address this, there are a couple of changes that are being recommended to the draft policy prior to approval by the Council.

ANALYSIS

The changes that are being requested are highlighted and underlined on the attached draft policy, and the details are as follows:

- A. In section #2, the recommendation is to delete the words, "Municipal Operations", as there is another known group, namely the Engineering employees that get called in from time to time, and should be covered under the same rule. In addition, there is a possibility that other employees, such as Health Department Staff, could get called in for an emergency, and should also be covered under the same rule.
- B. In regard to the other two changes, to exempt the positions listed in section #4, from section #2 and section #3, this is clarification language to ensure that a reader understands that section #4 is a carve out for the Communications Technicians.

FISCAL IMPACT

The fiscal impact of the above noted changes is expected to be minimal since employees outside of the Municipal Operations Department are seldom required to work on Sundays.

RECOMMENDATION

Staff recommends approval of the above noted changes to the proposed Overtime Policy as well as Council approval of the overall policy.

City of Menasha Personnel Policy Handbook–Long Standing Policy for Non-Represented Employees

C. Overtime.

1. Employees not exempt from Fair Labor Standards Act Overtime Provisions, who are required to work in excess of eight (8) hours a day or forty (40) hours per week, will be compensated at time and one-half their straight time pay rate for the overtime hours worked.

Current Rules for Former 1035/1035 B Group (Mayor's Memo – 1/1/12) – Established Due to the Dissolution of the Bargaining Units

C5. Public Works and Parks employees will receive two times the regular rate of pay for all of the hours worked on Sundays. Any employee can choose to have any overtime paid or taken in compensatory time. Any compensatory time not used by June 30 and by December 31 of each year will be paid in cash at the employee's then rate of pay. The use of compensatory time must be approved in advance by the Department Head. For purposes of calculating overtime, the City will follow FLSA rules except that Holiday pay will be considered time worked.

C5. Police complaint clerks will receive overtime at the rate of one and one half of the regular rate for all of the hours worked beyond their regular work schedule. The employees can choose to have the overtime paid or taken in compensatory time. A maximum of 240 hours of compensatory time can be accumulated. Taking compensatory time off will be scheduled with the Police Chief or their designee.

Proposed Overtime Policy – City of Menasha Personnel Policy Handbook – All Non-Represented Employees

C. Overtime.

1. *Employees not exempt from Fair Labor Standards Act (FLSA) Overtime Provisions, who are required to work in excess of forty (40) hours per week, will be compensated at time and one-half the regular rate of pay for the overtime hours worked. **For purposes of calculating overtime, the City will follow FLSA rules except that Holiday Pay, Floating Holiday Pay, and Vacation Pay will be considered time worked.***
2. *Full Time, ~~Municipal Operations~~ Employees, except those in the positions listed in #4 below, will receive two times the regular rate of pay for all hours required to be worked on Sundays.*
3. *Any employee can choose to have any overtime paid or taken in compensatory time. Any compensatory time not used by June 30 and by December 31 of each year, except the time for those in the positions listed in #4 above, will be paid out at the employee's current rate of pay in July and January of each year. The use of compensatory time must be approved in advance by the Department Head.*
4. *Police Communications Technicians will receive overtime at the rate of one and one half of the regular rate for all of the hours worked beyond their regular work schedule. The employees can choose to have the overtime paid or taken in compensatory time. A maximum of ~~240~~ 40 hours of compensatory time can be accumulated. Taking compensatory time off will be scheduled with the Police Chief or their designee.*

* _____ - Updated after consideration by Personnel Committee on 2/2/15