

DEPARTMENT OF MILITARY AFFAIRS
STATE HUMAN RESOURCES
PRACTICE AND PROCEDURE MANUAL

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SUBJECT: Supplemental Pay for FLSA Nonexempt Employees

SECTION: Compensation

POLICY

Overtime and supplemental pay is to be held to a minimum consistent with the needs of the service. Each supervisor must be good stewards of our taxpayer's dollars and be fiscally responsible. Supervisors must make every effort to utilize other available alternatives before assigning employees to work hours that will require such pay.

SCOPE

The provisions of this policy are applicable to all FLSA Nonexempt DMA employees. Limited Term Employees are almost always FLSA Nonexempt even if their permanent counterpart is exempt.

DEFINITIONS

Compensatory Time Credits: Paid time off the job which is earned and accrued by an employee in lieu of cash payment for FLSA Overtime. Limited Term Employees are not eligible to accrue Compensatory Time Credits.

Fire/Crash Rescue Relief Lead Worker Differential: Payment is mandatory for hours worked by a Fire/Crash Rescue Specialist when a Fire/Crash Rescue Specialist – Crew Chief is not available to lead a shift, and the Employer has designated him/her as relief lead worker for that shift. The employee will receive a differential of ninety cents (\$0.90) per hour for each hour assigned as relief lead worker. The differential will cease when the employee is no longer designated as a relief lead worker.

Fair Labor Standards Act (FLSA): FLSA is a federal law through the Department of Labor (DOL) which establishes minimum wage, overtime pay eligibility, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state and local governments.

FLSA Overtime: Payment is mandatory for hours worked in excess of 40 per week by FLSA Nonexempt employees working a standard 40 hour per work week schedule except employees in the classification of Fire/Crash Rescue Specialist or Fire/Crash Rescue Specialist – Crew Chief. Payment is mandatory for hours worked in excess of 106 hours in a pay period by FLSA Nonexempt employees in the classification of Fire/Crash Rescue Specialist or Fire/Crash Rescue Specialist – Crew Chief. FLSA Nonexempt employees who work FLSA overtime are eligible for premium pay or, in the case of public employees only, compensatory time credits accumulated at a premium rate for FLSA Overtime hours worked.

Holiday Premium: Payment is mandatory for qualifying hours worked by all FLSA Nonexempt employees, except employees in the classification of Fire/Crash Rescue Specialist or Fire/Crash Rescue Specialist – Crew Chief. Holiday premium is paid at the rate of time and one-half.

Night Differential: Payment is mandatory for qualifying hours worked by all FLSA Nonexempt employees, except employees in the classification of Fire/Crash Rescue Specialist or Fire/Crash Rescue Specialist – Crew Chief. Night differential is paid at the rate of forty-five cents (\$0.45) per hour. Qualifying hours are hours worked between the hours of 6:00 pm and 6:00 am.

Overtime During a Declared Emergency. During a declared emergency under ss. 20.922(2) and 20.901(1)(b), Wis. Stats., employees, except project employees, who are not required to respond to declared emergencies as part of their broader job responsibilities may be temporarily assigned to perform duties which are not normally performed or which are not described in the employee's position description. When such assignments result in overtime hours which are directly attributable to the declared emergency, the employee will receive the premium rate or will be credited with compensatory time off at the rate of 1.5 hours for each overtime hour worked. Any employee sent by an agency out-of-state to respond to emergencies under an interstate compact, an Emergency Management Assistance Compact (EMAC), or other equivalent mutual aid agreement, may be paid up to 1.5 times the employee's regular rate of pay.

Standby Pay: Payment is mandatory for qualifying hours worked by all FLSA Nonexempt Permanent or Project employees, when the appointing authority requires an employee to be available for work and be able to report to work in less than one hour. Standby pay is paid at the rate of \$2.25 per hour. Limited Term Employees are not eligible for Standby pay.

Weekend Differential: Payment is mandatory for qualifying hours worked by all FLSA nonexempt employees, except employees in the classification of Fire/Crash Rescue Specialist or Fire/Crash Rescue Specialist – Crew Chief. Weekend differential is paid at the rate of sixty cents (\$0.60) per hour. Qualifying hours are hours worked between Saturday at 12:00:01 am and Sunday at 11:59:59 pm.

AUTHORITY AND REFERENCE

- Wisconsin Compensation Plan, Section A-4.00
- Wisconsin Human Resources Handbook, Chapter 520
- Alphabetical Listing of Classifications

PRACTICE

As part of ensuring fiscal responsibility in state government, supervisors and employees of the Department of Military Affairs must ensure supplemental pay is to be held to a minimum and abide by the practices listed below.

1. Employees are not authorized for overtime unless specifically directed by their supervisor as job requirements dictate due to incurring **FLSA Overtime** pay.
2. Employees are not authorized to work holidays unless specifically directed by their supervisor as job requirements dictate due to incurring **Holiday Premium** pay.

3. Employees are not authorized to work hours that would qualify for **Night Differential** unless specifically directed by their supervisor as job requirements dictate due to incurring **Night Differential** pay.
4. Supervisors, who require their employees to be available for work which entitles the employee for **Standby pay**, annotate those employees on the WebEOC duty officer schedule (For WEM). For all others, supervisors must submit a request in email or memo format to the State Human Resource Director at the beginning of each month. If any changes occur, the supervisor must submit those changes immediately or annotate on Web EOC. Below are **Standby pay** situations that may occur:
 - a. **Standby pay** will not be authorized during any time the employee is being compensated for hours worked. This includes any type of paid leave status (except an observed holiday, see d. below).
 - b. **Standby pay** will not be authorized for an employee who calls in sick for their shift, or goes home sick from their shift due to their own illness. The employee also is not authorized for **Standby pay** for 24 hours after illness.
 - c. **Standby pay** is authorized before and/or after an employee's shift if the employee uses leave to cover an absence for a prescheduled medical appointment or family member's illness. ***Example:** Employee has prescheduled medical appointment at 3:00 pm. Employee uses Sick leave from 3:00 pm to 5:00 pm, which completes their shift. The appointing authority requires the employee to be available for work and be able to report to work in less than one hour, during the hours of 5:00 pm to 7:00 am the following day. The employee is authorized for **Standby pay**.*
 - d. When **Standby pay** is required on an observed legal holiday, hours reported on the timesheet will not exceed 32 hours on that day. ***Example:** An employee is on standby on a legal holiday and will be compensated for 8 hours of holiday leave. This employee will receive **Standby pay** for 24 hours in addition to a maximum of 8 hours of holiday leave pay; the total amount compensated on this day would be 32 hours.*
5. Employees are not authorized to work hours that would qualify for **Weekend Differential** unless specifically directed by their supervisor as job requirements dictate due to incurring **Weekend Differential** pay.
6. The approval and use of compensatory time is at the discretion of the supervisor.
7. State Human Resources will regularly review supplemental pay and may require further justification on approval/usage of these pay types.