


Description: COMPENSATORY POLICY		Policy Number: 62-164	
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I. POLICY

Winnebago County will provide compensatory time to its non-exempt employees in accordance with state and federal law, applicable collective bargaining agreements and as set forth below. Employees who work in excess of their designated regular work week will have the opportunity to earn compensatory time, in accordance with this policy; however, an employee’s privileges under this policy may be revoked if they fail to follow the proper procedures.

II. SCOPE

This policy applies to every employee of Winnebago County, including elected officials if so adopted. Provided, however, that if there are provisions in a collective bargaining agreement that conflict with the provisions of this policy as applied to an employee subject to that agreement, the agreement shall control.

III. DEFINITIONS

- **ELIGIBILITY**

- Non-exempt employees are hourly employees who are eligible for overtime payments, per the provisions of the Fair Labor Standards Act (FLSA).

- **COMPENSATORY TIME**

- Compensatory time is earned when a non-exempt employee works in excess of his/her regularly-scheduled work week (i.e., 37.5 hours for River Bluff Nursing Home employees, and 40 hours per work week for all other full time non-exempt employees). Compensatory time is 1 ½ times the number of overtime hours worked. For example, if an employee is scheduled to work 40 hours per week, and actually works 50 hours in one work week; then the employee would be eligible to earn 15 hours of compensatory time (10 hours of overtime times 1 ½).

IV. PROCEDURE

- **EARNING COMPENSATION**

The employee has two options when working overtime hours:

- To be compensated with pay at the rate of 1 ½ times the regular hourly rate for all hours worked in excess of the regularly-scheduled work week (i.e., 37.5 hours for River Bluff Nursing Home employees and 40 hours per work week for all other full time non-exempt employees).


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- To be given compensatory time off at the rate of 1 ½ hours for each hour worked in excess of the regularly-scheduled work week. The maximum compensatory time that may be accrued by an employee is 240 hours (160 hours of actual overtime hours worked) unless separate maximums are established by individual departments, those shall control.

- **REQUESTING COMPENSATORY TIME**
 - Employees may use compensatory time as they would other accrued benefits (i.e., sick, personal time or vacation). The guidelines for requesting time must comply with state and federal law, or the applicable collective bargaining agreement.
 - If the employee is not in a bargaining unit, and the state or federal law is silent on the matter, then the employee must request the use of compensatory time through the same process in which they request personal or vacation time. Once the request is submitted, the Manager or Department Head will review the operating needs and approve or deny the request.
 - Employees shall be permitted to use (compensatory) time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of Winnebago County. The immediate supervisor, based upon whether the grant of such requests results in short staffing or any other disruption of County operations, will generally determine whether it is possible to grant an employee’s request for use of compensatory time. However, Winnebago County, may at its own discretion, elect to compensate an employee for overtime rather than permitting additional accruals of compensatory time.

- **SCHEDULING USE OF COMPENSATORY TIME**
 - Compensatory time must be used in half day or full day increments. Employees on a regular eight (8) hour work schedule may use compensatory time in four (4) or eight (8) hour segments.

- **APPROVAL OF FURTHER ACCRUAL OF COMPENSATORY TIME**
 - Employees must follow the departmental process/procedures regarding deviations from their regular work schedule. In Departments that require pre-approval prior to working overtime, the employee must receive permission prior to working overtime.
 - If an employee works overtime and wishes it to be converted to compensatory time rather than overtime pay, the employee must make

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his/her supervisor aware of his/her choice no later than the end of the work week/pay period in which the overtime payment was earned.

- The final decision in each instance shall be at the discretion of the Manager and/or Department Head.

V. CALCULATIONS

- **COMPENSATORY TIME & OVERTIME CALCULATIONS**


- In calculating overtime pay for pay periods when compensatory time is used, only the first three (3) days that compensatory time is used by the involved employee during each calendar year will be considered to be “hours worked” for overtime purposes. When compensatory time is used after the first three (3) days each calendar year, the compensatory time used will not be applied to “hours worked” for overtime calculations.

- **CONCURRENT USE OF COMPENSATORY TIME OFF DURING A LEAVE OF ABSENCE**

- Employees requesting a leave of absence may use compensatory time in conjunction with an approved leave of absence. For specifics about compensation issues while on a Leave of Absence, please refer to the Leave of Absence Policy.

- **MAXIMUMS**

- Employees may earn compensatory time up to the maximum limit set forth by state or federal law, or by a collective bargaining agreement.
- If the employee is not in a bargaining unit, and the state or federal law is silent on the matter, than the employee may earn up to 240 hours of compensatory time unless separate maximums are established by individual departments, those shall control.
- If an employee attempts to convert overtime hours worked into compensatory time after the employee has reached the maximum allowable amount, the employee will not be able to earn compensatory time and the overtime hours worked will be paid as overtime.

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VI. RESPONSIBILITIES

- **EMPLOYEE**

- Employees who wish to accrue compensatory time in lieu of overtime compensation will request that overtime be recorded as compensatory time in the same week/pay period in which it is earned.
- Employees will request to use compensatory time through the same process that they request vacation or personal time.
- Employees will schedule the use of compensatory time in half or full day increments.

- **DEPARTMENT PAYROLL PROCESSOR**

- The Department Head will appoint and train a person in the department to process the bi-weekly payroll.
- The Department Head will approve recording of overtime as compensatory time using fair and consistent practices. The Department Head will also use fair and consistent practices when granting approval to employees to use their compensatory time.
- The payroll designee will be responsible for monitoring work schedules. If an employee requests that their overtime is recorded as comp time, once the Department Head has approved the conversion, the payroll designee will submit the number of overtime hours to the Finance Department on the bi-weekly timesheet. The number of hours will be the number of overtime hours worked and Munis will perform the calculation to multiply the hours by 1.5.
- The payroll designee will monitor the number of hours each employee has recorded as compensatory time and, when the employee is approaching the maximum (within 80% of the maximum), the payroll designee will notify the Department Head.

- **FINANCE DEPARTMENT**

- The Finance Department will be responsible for importing overtime hours worked into the Munis payroll system.
- The Finance Department will be responsible for ensuring that the Munis payroll system performs the calculation to convert the overtime hours worked into compensatory time.

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- The Finance Department will be responsible for reporting the earned compensatory time on the paychecks for all employees on a bi-weekly basis.
- The Finance Department will monitor the amount of compensatory time earned. When an employee reaches the maximum allowable amount, a designee will notify the Department Head.
- The Finance Department will ensure that any compensatory time submitted after an employee reaches the maximum allowable amount will automatically be paid out as overtime.

- **INFORMATION TECHNOLOGY (DoIT)**

- The DoIT Department will be responsible for maintaining the Munis payroll computer system for compensatory time tracking purposes.
- The DoIT Department will perform periodic audits with the Finance Department's assistance, to ensure that the Munis payroll system is performing the conversion calculation correct and to ensure that maximum amounts are not being surpassed.

VII. TERMINATION OF EMPLOYMENT

Upon termination of employment, payment of accrued compensatory time will be calculated at the average regular rate of pay for the final three years of employment or the final regular rate received by the employee, whichever is higher.

VIII. MISCELLANEOUS

- At the implementation of this policy, each Department will be responsible for listing the current compensatory time for each employee on the timesheet designated by the Finance Department. The time will be listed as the number of overtime hours worked and Munis will perform the calculation to convert the hours into compensatory time.
- Employees will have 30 days in which to dispute the amount once it appears on their paycheck.
- Misuse and/or abuse of this policy will be investigated and may subject the employee to disciplinary action, up to and including termination.