



Department of Administration  
Budget and Management Division

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July 15, 2002

Ref: SF - MPD

Alderman Frederick G. Gordon, Chair  
Finance and Personnel Committee  
City Hall, Room 205

Subject: Bradley DeBraska, et al. v. City of Milwaukee

Dear Alderman Gordon:

At the request of the Finance and Personnel Committee at its July 11, 2002 meeting, the Budget and Management Division has prepared some possible fiscal impacts related to the settlement of the case titled Bradley DeBraska, et al. v. City of Milwaukee, U.S. District Court Case No. 96-C-402 (Common Council file 020378). There were three major issues that came up during the Committee meeting:

### **Increasing Comp Time Banked**

The agreement increases the employee's compensatory time off to a maximum of 225 hours from the current 128 hours. Banked comp time is considered a future liability for the city, as it has always been. Increasing the amount of comp time banked will do two things:

1. Reduce the amount of comp time that is paid out in cash for an undeterminable time period. Officers that currently have the maximum 128 hours banked are required to take any additional FLSA comp time in cash at 1.5X salary rate. Allowing them to bank up to 225 hours will decrease the amount of cash paid to the officers until these officers have banked 225 hours.

#### Questions:

How long will it take to have officers max out comp time with the increase to 225 hours?  
*Unknown, depends on how the MPD utilizes its staff and the amount of overtime it requires officers to work in the future.*

Will the increase in the banking of comp time allowed change the pattern in which it is used or earned? *There are no foreseeable reasons that the increase in the total amount of comp time banked will change how officers earn or decide how to use comp time.*

2. Increase the amount of comp time that is "run out" when an officer retires or leaves the MPD. Current procedures allow Officers to cash in (in dollars) or run out comp time. Most officers run

out the time rather than cashing it in, allowing them to earn vacation time while running out comp time.

**Question:**

How will the additional comp time hours banked impact the MPD operations?

*The additional hours could impact future staffing levels when officers retire and run out a full 225 hours, or about an additional 2 ½ weeks from current maximum levels. The future fiscal impact to the MPD at the time of such retirements is unknown since variables such as vacancies, time of year, prescribed staffing levels, percentage of officers taking cash instead of time off, and wage rates would need to be known.*

**Court Overtime**

Current policy compensates Officers that are scheduled for court at a minimum of 2 hours at base salary rate (1X). If the Officer spends more than 2 hours at court, they are compensated at 1.5X salary for time over the minimum 2 hours.

This agreement would change the minimum time compensated for a court appearance to 2 ½ hours at 1.5X. Using 2002 data for pay periods 1 through 14 (paid overtime for court, not court overtime in compensatory time); we can project the following:

Actual Court Hours	16,635.50
Actual Court Dollars	\$556,341.65
1 Year projection at current agreement	\$1,033,205.92
1 Year projection at settlement agreement	\$1,487,368.67
<b>DIFFERENCE</b>	<b>\$454,162.75</b>

**Replacements for Comp Time Taken**

This is the most difficult to project considering the following questions that would need to be accurately answered about current operations and future Officer and MPD behaviors:

- What percentage of current comp time taken requests is denied due to prescribed staffing requirements? Some estimate this at 10%, however the data that does exist on covers a limited time period and appears seriously flawed in its consistency.
- How much comp time off requests are not currently made due to the Officers knowing that prescribed staffing levels will not be made and they would be denied the request?
- Will the replacement Officer policy change how much comp time used as time off and not for cash?
- What percentage of comp time used will need another Officer to replace the first Officer due to prescribed staffing levels?
- What percentage of replacement Officers will be working overtime at 1.5X salary? The replacement Officer may be able to work the additional 8 hour shift while earning only 2 hours at 1.5X salary and 6 hours at 1.0X salary. Replacement time is not necessarily at 1.5X, however with the Police Department averaging over \$500,000 in overtime per pay period, it is reasonable to assume that a significant amount of replacements will be working at 1.5X.

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- What impact do vacancy levels have on prescribed staffing levels, which in turn may impact the need to have replacements?
- What are the Department's rights to adjusting prescribed staffing levels?

**Possible scenario:**

- 10% of current comp time requested is denied and thus not taken due to prescribed staffing levels
- All replacement Officers are paid at 1.5X

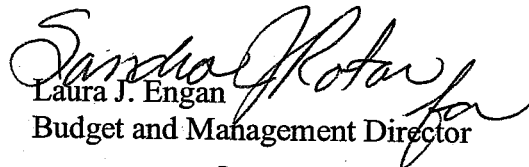
2002 Projection of 066 time with current agreement	\$6,414,383.24
2002 projection of 066 time with additional 10% at 1.5X salary, as under settlement	\$7,376,540.73
<b>DIFFERENCE</b>	<b>\$962,157.47</b>

**Conclusion**

These are only rough estimates of possible fiscal impacts. There simply is not adequate historical data to predict future behaviors on how Officers will be issued and how they will choose to use their comp time.

If you have further questions on this matter, please feel free to contact David Schroeder of my staff at extension 8524.

Sincerely,

  
 Laura J. Engan  
 Budget and Management Director



David Schroeder  
 Budget and Management Special Assistant

DS:dmr

CC. Finance and Personnel Committee  
 Police Department  
 City Attorney  
 DER – Labor Negotiations