



Department of Employee Relations

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January 27, 2012

To the Honorable
Finance and Personnel Committee
Milwaukee Common Council
City of Milwaukee

File # 111265

Dear Finance and Personnel Committee Members;

The Department of Employee Relations is recommending the following changes to Part II Section 11 of the 2012 Salary Ordinance. These changes include clarification of original language approved by the Common Council in December of 2011 pertaining to administration of special pay practices. These changes are recommended based on discussions with Payroll Administration staff in the Comptroller's Office. The changes are identified below (**in bold**) and a brief explanation follows.

Sec. 11. Supplemental Pay Practices

a. Holiday Hours Worked: all hours worked on a holiday by an eligible non-exempt FLSA employee shall be considered overtime as provided for under Chapter 350-3 of the Milwaukee Code of Ordinances.

New language: Employees working on a Holiday shall not be eligible for shift differential for the hours worked on a Holiday. *This change precludes employees working on a Holiday from getting shift differential as well as overtime given the Council action to consider holiday hours worked as overtime and paid at 1.5X.*

d. 12-Hr Differential Compensation: Employees holding positions designated as non-exempt under FLSA shall be eligible for a twenty five cent (\$.25) premium per hour to be added to the employee's base salary for any continuous time worked in excess of twelve or more consecutive hours.

Deleted language: Any payments made under this provision shall not have any sum deducted for pension benefits nor shall such payments be included in the determination of pension benefits or other fringe benefits. *This change will facilitate payroll processing and will allow this differential to be included in the determination of pension benefits.*

f. Shift Differential: Employees holding positions classified as non-exempt under the FLSA whose hours of work occur between the time period beginning at 5:00 p.m. and ending at 5:00 a.m. shall receive, in addition to base salary, a shift differential of \$.45 per hour. To be eligible for shift differential, the employee shall be required to work not less than 4 hours of his or her regular workday within this time frame, and when the employee satisfies that requirement, the employee's entire workday shall be compensated at a rate that includes the shift differential. Eligible employees in the Department of Public Works whose workday begins after 1:00 a.m. and before 4:00 a.m. shall be eligible to receive the shift differential for all hours worked.

Shift differential shall be paid for all hours for which an employee would have received a regular shift assignment but for the fact that the employee was on vacation, holiday, sick leave, or funeral leave. In no case shall an employee receive both shift and weekend differential rates for the same hours worked.

New language: Shift and weekend differential shall be paid for no more than 40 hours worked, including holidays. *This change clarifies the intent of the original language approved by the Council intended to limit eligibility for shift differential to 40 hours worked (including holidays). This language continues to preclude employees from earning the differential for hours that are considered overtime hours under the new rules.*

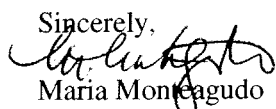
g. **Snow and Ice Control Operations:** bonus payments for support personnel in the Operations Division, Fleet Services Section who work (~~overtime~~) during Snow and Ice Control Operations. Support personnel in the Operations Division, Fleet Services Section shall receive a one (\$1) dollar per hour premium for all time worked in excess of eight (8) hours in one 24 hour day worked during snow and ice control operations. These bonus payments shall also be paid to support personnel in the Fleet Services Repairs Unit at the Central Repair Garage for all time worked in excess of eight (8) hours in one 24 hour day worked repairing snow plow blades and to Repairs Unit personnel time worked in excess of eight (8) hours in one 24 hour day worked on a snow related assignment during the winter season. These support personnel shall be Operations Division employees in the Fleet Services Section, Stock Room or Tire Shop employees in the Administration Section or Garage Attendants, Garage Custodians, Field Service Mechanics, Communications Assistants III or IV in the Operations Section, or Driving Training Instructors.

This change deletes the reference to "overtime" because the \$1 per hour premium is due for hours in excess of 8 and those may or may not be "overtime" hours.

h. **Weekend Differential:** Employees holding positions classified as non-exempt under the FLSA shall receive fifty cents (\$.50) per hour for regularly scheduled Saturday work and sixty cents (\$.60) per hour for scheduled Sunday work. In no case shall an employee receive both shift and weekend differential rates for the same hours worked. Weekend differential shall be paid for all hours for which an eligible employee would have received the differential but for the fact that the employee was on **vacation, holiday, sick leave, or funeral leave.** **Shift and weekend differential shall be paid for no more than 40 hours worked, including holidays.**

This change makes the language consistent with the provision under shift differential when employees who are eligible for weekend differential are on vacation, holiday, sick leave or funeral leave. This change also clarifies the intent of the original language approved by the Council intended to limit eligibility for weekend differential to 40 hours worked (including holidays). This language continues to preclude employees from earning the differential for hours that are considered overtime hours under the new rules.

These changes have been discussed with representatives from AFSCME and they have indicated no objection. I will be present at the Finance and Personnel Committee meeting to answer questions you may have.

Sincerely,

Maria Montenegro
Employee Relations Director