

Pers 5 Filed October 12, 1967  
10:06 AM

STATE OF WISCONSIN )  
 )  
STATE PERSONNEL BOARD )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, C. K. Wettengel, Secretary of the State Personnel Board, and custodian of the official records of said board, do hereby certify that the amendments and changes to the rules relating to a uniform overtime policy for state employes and night differentials were duly approved and adopted by the Wisconsin State Personnel Board on September 15, 1967.

I further certify that said copy has been compared by me with the original on file with this board and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have  
set my hand at the State  
Office Building, in the City  
of Madison, this 18th day of  
September, A.D., 1967.

*C. K. Wettengel*  
C. K. WETTENGEL  
SECRETARY

STATE OF WISCONSIN SS  
DEPARTMENT OF STATE  
RECEIVED AND FILED  
OCT 12 1967  
ROBERT C. ZIMMERMAN  
SECRETARY OF STATE



# STATE OF WISCONSIN

## STATE PERSONNEL BOARD

ROOM B-135 STATE OFFICE BUILDING  
MADISON WISCONSIN 53702

CHARLES F. BRECHER  
JOHN A. SERPE  
JOHN H. SHIELS  
JEROME M. SLECHTA  
WILLIAM AHRENS

### ORDER OF THE WISCONSIN STATE PERSONNEL BOARD AMENDING, ADOPTING, CREATING RULES

Pursuant to authority vested in the Wisconsin State Personnel Board by Section 16.05(2) and Chapter 227, Wis. Stats., the Wisconsin State Personnel Board hereby repeals, amends, and adopts rules as follows:

Section Pers 5.09 of the Wisconsin Administrative Code is repealed and adopted to read:

Pers 5.09 Overtime. (1) Definition: (a) Overtime: Time that an employe works in excess of 40 hours per each 7 consecutive calendar day period.

(b) Premium Rate: Compensation in cash at a rate of one and one-half times the basic pay rate paid the employe at the time the overtime is worked or compensation in time off at a rate of one and one-half the number of hours worked.

(c) Continuing Overtime: Overtime which can be anticipated within 3 or more weeks in advance of its occurrence and which is expected to require 40 or more hours of overtime for any one employe within any 10 week period.

(2) General Policy on Overtime.

- (a) Overtime work is to be held to a minimum consistent with the needs of the service.
- (b) All overtime work for either compensatory time off or for cash payment must be authorized by the appointing authority.
- (c) Bureau of Personnel approval is also required for cash payment when the conditions of employment are expected to require continuing overtime.
- (d) Additional pay for overtime work shall not be considered as a part of an employe's base pay.
- (e) All cash overtime payments shall be separately recorded on the payroll.
- (f) Any additional cash compensation shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to 40 hours per week.

- (g) Compensatory time off for overtime hours shall be used as soon as possible after the time is earned. Compensatory time off shall be used within the calendar year earned, except that with the approval of the appointing authority, compensatory time off may be used within the first 6 months of the ensuing calendar year. Within the time limitations specified herein, the appointing authority shall respect the wishes of employees relative to the time at which compensatory time off may be used, insofar as he determines the needs of the service will permit.
- (h) The state is considered as one employer for the purposes of determining the number of hours worked.
- (i) Employees shall be categorized as included or exempt from requirements of premium pay for overtime according to the standards established by the director.

(3) Provisions for included employees

Included employees shall be paid at a premium rate for all hours worked in excess of 44 per workweek (or 88 per bi-weekly work period if employed on a multishift post) from July 1, 1967 to January 31, 1968, 42 hours per workweek (or 84 hours per bi-weekly work period if employed on a multishift post) from February 1, 1968 to January 31, 1969 and in excess of 40 hours per workweek (or 80 hours per bi-weekly work period if employed on a multishift post) starting with February 1, 1969. Included employees shall be compensated at a straight time rate for overtime hours worked which do not require a premium rate in accordance with the hours and dates specified in this paragraph.

(4) Provisions for exempt employees

- (a) The pay rates for exempt employees are generally intended to compensate for all regular employment work hours. If an emergency or other non-regular occurrence requires overtime work compensation in cash or time off at up to a straight time basis for work hours over 40 per week may be granted at the discretion of the appointing authority.
- (b) If continuing overtime work is required by the nature of the function to be performed and in the judgment of the appointing authority payment for such overtime in cash or compensatory time off at up to one and one-half times the basic rate is in the best interest of the service, or if premium pay for non continuing overtime is considered appropriate by the appointing authority the appointing authority shall submit a request to the director for authorization of such payment. Each such request shall be considered based on the facts in each situation and a decision shall be made by the director to authorize or not authorize such payment, consistent with the needs of the service and fair treatment of employees.

Section Pers 5.105 of the Wisconsin Administrative Code is adopted to read:

Pers 5.105 Joint Employment. (1) Definition: Joint Employment is employment of a person in more than one permanent position by more than one department during the same workweek.

- (2) Policy: When an employe works on joint employment the hiring departments shall coordinate with each other the total number of hours worked by the employe in any workweek. If any premium pay is required, the costs of such additional pay shall be shared on the basis of time worked for each department or on some other basis agreeable to the departments involved.

Section Pers 5.17 of the Wisconsin Administrative Code is adopted to read:

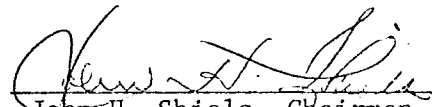
Pers 5.17 Night Differential Compensation: (1) Definition. Extra compensation for regularly scheduled shift hours worked of not less than 2 hours duration between 6 p.m. and 6 a.m. by employes in permanent and seasonal positions (as defined in Chapter Pers 8) whose employment regularly equals or exceeds one-half time on a daily, weekly or monthly basis.

- (2) Policy on Night Differential. (a) Night differential compensation shall be at the rate specified in the state's compensation plan.
- (b) Subject to (c) night differential work that is compensable shall be on an hour-for-hour basis for each regularly scheduled hour worked between 6 p.m. and 6 a.m. as authorized and certified by the appointing officer.
- (c) No employe shall be eligible for such extra compensation unless he has worked for a period of 2 or more qualifying hours on a regularly scheduled shift basis between 6 p.m. and 6 a.m.
- (d) Night differential payment shall be considered separately from an employe's basic pay rate and such payment shall be separately recorded on the payroll.
- (e) Night differential compensation shall not be paid to an employe absent on leave with pay (vacation, sick leave, military leave, etc.) during the period in which the employe would otherwise be regularly scheduled to work between 6 p.m. and 6 a.m.
- (f) Night differential compensation shall not be authorized for irregularly scheduled hours of work.
- (g) Any night differential compensation shall cease to be payable without the right of appeal whenever the employe's regularly scheduled hours of work on a shift between 6 p.m. and 6 a.m. are reduced to under 2 hours.
- (h) For purposes of this section the following interpretation shall apply:

1. REGULARLY SCHEDULED HOURS shall mean work hours repetitively occurring on a standard, split, or rotated shift basis.
2. IRREGULARLY SCHEDULED HOURS shall mean work hours not scheduled on a permanent and repetitive basis.
3. FRACTIONAL HOURS. In computing total shift hours worked each day between 6 p.m. and 6 a.m. any remaining fractional work period of 30 or more minutes shall be rounded off to the next highest full hour. Fractional periods of less than 30 minutes shall not be compensable.
4. SUBSTITUTION. Night differential compensation shall be paid to an employe who is temporarily assigned to fill a position that requires regularly scheduled work hours between 6 p.m. and 6 a.m. provided the substitute employe works for 2 or more hours within the prescribed time period.

The rules contained herein shall take effect on October 1, 1967, as permanent rules in accordance with s.s. 227, Wis. Stats. The adoption and amendment of these rules is necessary to implement legislation and Joint Committee on Finance actions which were effective July 1, 1967.

EFFECTIVE OCTOBER 1, 1967

  
John H. Shiels, Chairman  
Wisconsin State Personnel Board

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