

scribed for the class of the position concerned except as provided by section 16.105 (1m) and (2) (b) Wis. Stats., and Wis. Adm. Code section Pers 3.03 (5).

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. rule, am. eff. 2-22-66; am. Register, May, 1966, No. 125, eff. 6-1-66.

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 employes 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) Employes 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 EMPLOYES.** Included employes 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 multi-shift 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 multi-shift 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 employes 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 EMPLOYES. (a) The pay rates for exempt employes 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 employes.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. r. and recr. eff. 7-1-67; r. and recr. Register, October, 1967, No. 142, eff. 11-1-67.

Pers 5.10 Additional employment. (1) DEFINITION. Additional employment is of 2 types:

(a) Employment in the same employing unit but in a different class of position than that of the employe's regular position.

(b) Employment in a different employing unit of the same department or in a different department in the same or different class of position than that of the employe's regular position.

(2) POLICY ON ADDITIONAL EMPLOYMENT. The policy on additional employment shall be consistent, where applicable, with that expressed on overtime.

(3) PROCESSING. Additional employment shall be processed as limited term employment and subject to the provisions of chapter Pers 10.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

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.

History: Emerg. cr. eff. 7-1-67; cr. Register, October, 1967, No. 142, eff. 11-1-67.

Pers 5.11 Deviations. (1) DEFINITION. Where the conditions of employment cannot be fulfilled by adhering to the standard work week provided in subsection 16.275 (7), Wis. Stats.

Register, October, 1967, No. 142

(2) **COMPENSATION FOR DEVIATION WORK WEEKS.** Compensation for such work weeks shall be as provided for in the state's compensation plan.

(3) **APPROVAL REQUIRED.** Requests for deviation work weeks shall be submitted by the appointing officer to the Department of Administration, attn. Bureau of Personnel, for the director's prior approval. Such requests shall define the extent and duration of the deviation, and contain a recommendation as to pay for the additional time required, and personnel by name and classification who will be included. Before submitting such requests the appointing officer shall make the necessary budgetary provisions.

(4) **REPORTING AND RECORDING PAY FOR DEVIATION WORK WEEKS.** (a) Approval is for the length of the period specified and if on continuous basis shall coincide with the fiscal year.

(b) Any additional pay authorized for deviation work weeks shall be separately recorded on the payroll.

(c) Any additional salary shall cease to be payable without the right of appeal whenever the employe's scheduled hours of work are reduced to the standard basis of employment.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 5.12 Supervisory pay; responsibility pay. Supervisory pay as provided in the teacher's salary schedule and responsibility pay as provided in the physician's salary schedule shall be separately recorded by the director and by the employing department, and shall cease to be payable, without the right of appeal whenever the supervisory duties or program responsibilities cease.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 5.13 Pay for jury service. See subsection 16.275 (5), Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 5.14 Audit of records. As provided in subsection 16.05 (3) and section 16.26, Wis. Stats. the director shall have access to all records kept by departments relating to personnel and employment processes.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 5.15 Employment interview travel expenses. As provided by subsection 20.940 (3), Wis. Stats., an applicant who is eligible for selection for employment may be reimbursed for all or part of his actual and necessary travel expenses incurred in connection with an employment interview by the employing department provided:

- (1) The position is of a professional or technical nature, and
- (2) A critical shortage exists of persons eligible for selection, and
- (3) Prior authorization for such reimbursement has been obtained from the director.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 5.16 Total remuneration. The rates of pay prescribed shall be deemed to include pay in every form EXCEPT: approved overtime; lawful reimbursement for necessary expenses authorized and incurred incident to the employment; special equipment; clothing; or services considered necessary for performance of the job.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

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.

History: Emerg. cr. eff. 7-1-67; cr. Register, October, 1967, No. 142, eff. 11-1-67.