

EAU CLAIRE COUNTY  
MEETING NOTICE/AGENDA

**COMMITTEE:** Committee on Human Resources  
**DATE:** Thursday, April 18, 2019 **TIME:** 8:30 AM  
**PLACE:** Eau Claire County Courthouse, Room 3341  
721 Oxford Avenue, Eau Claire, WI

REASON FOR MEETING: REGULAR

1. Call to Order and Certify Compliance with Open Meetings Law
2. Public Comment
3. Review and approve minutes of the March 8, 2019 meeting
4. Finance: Information/Discussion/Action to update the following Eau Claire County policy –
  - i. 503 Overtime and Compensatory Time
5. Corporation Counsel: Information/Discussion/Action of Ordinance 19-20/002 to update County Code

Adjourn

**Please note room change:**

**April 18, 2019 8:30 am, Room 3341**

**COPIES TO:**

County Clerk J. Loomis  
County Administrator K. Schauf  
Corporation Counsel K. Zehms  
Committee on Human Resources: M. Beckfield/S. Miller/C. Russell/J. Gatlin/K. Stelljes

Human Resources Department

DATE NOTICE POSTED AND SENT:

PREPARED BY: Jill Mangus, Human Resources Department

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**PLEASE NOTE:** Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

**Committee on Human Resources**  
**Friday, March 8, 2019**                      **TIME: 8:30 AM**  
**Eau Claire County Courthouse, Room 1273**  
**721 Oxford Avenue, Eau Claire, WI**

**MINUTES**

Members Present:        Mark Beckfield, Connie Russell, Judy Gatlin, Kevin Stelljes  
Member Absent:         Sue Miller  
Staff Present:            Jamie Gower, Jill Mangus, Kathryn Schauf, Amy Sires, Norb Kirk

Chair Mark Beckfield called the meeting to order and certified compliance with Open Meetings Law at 8:30 a.m.

**No Public Comment**

**Review and approve minutes of the February 14, 2019 meeting**

Motion Judy Gatlin to approve the minutes of the February 14, 2019 meeting as written.  
Motion carried 4-0.

**Human Resources: Information/Discussion/Action to update the following Eau Claire County policies –**

- a. Consolidate policies 501 (Total Base Wages) and 525 (Shift Differential) into policy 519 (Salary Plan Administration)

Motion Mark Beckfield to approve the changes as presented. Motion carried 4-0.

**Human Resources: Information/Discussion/Action to update the following Eau Claire County policy –**

Policy 403- Holidays and Leaves around Holidays

Motion Judy Gatlin to approve the changes as presented. Motion carried 4-0.

**Human Resources: Information/Discussion – Health Insurance update**

Human Resources Director, Jamie Gower, and Benefit Administrator, Amy Sires, provided an update to the Committee on the Health and Wellness Program.

**Human Resources: Information/Discussion – 2019 Human Resources Initiatives**

Human Resources Director, Jamie Gower, presented and update on the 2019 HR Department Initiatives.

**Human Resources: Information/Discussion – Monthly Financial Report**

Human Resources Director, Jamie Gower, presented and update on the monthly financials of the HR Department.

Upcoming meetings:  
May 10, 2019

**Adjourn**

Chair Mark Beckfield adjourned the meeting at 9:21 a.m.

Respectfully submitted,  
Jill Mangus, Acting Committee Clerk

## **Fact Sheet – Modification of Policy #503 Overtime and Compensatory Time**

**Background:** Policy #503 has been in existence for many years and was last modified in April 2018. With the implementation of NetTime, WRS compliance rules and a review of the current payroll practices related to compensatory (comp) time, it became apparent that changes were necessary to the existing comp time policy.

The pay practices currently administered in support of the policy for non-exempt employees makes it difficult to adhere to WRS requirements, which requires comp time paid be reported back to the year it was earned. Many counties have implemented payment of comp time balances at the end of the year to properly match the payment with the year the comp time was earned to comply with WRS.

The current policy has multiple limits associated with comp time, most support a balance limit, while the Security Services group has an annual earn limit. NetTime doesn't systematically support the limits and so all support of comp time limits requires manual tracking.

In addition, the current policy outlines the usage of comp time before other leave time to be required if the employee comp time balance is over 30 hours. Administratively is it difficult to support this requirement with the compliance falling to supervisors and managers. As a result, Payroll often is required to make manual time card corrections to properly enforce the policy.

**Request:** The request is to modify policy #503 in support of consistent application of comp time limits/administration and the recognition of the need to change comp time payments to adhere to WRS requirements. Recommended modifications will align payment processing for all non-exempt employees, regardless of department, to facilitate meeting the WRS guidelines. In addition, changes to the policy for the Security Services group on the limit calculation for comp time will align the limits for all employees earning comp time. Lastly, changing the policy to require use of comp time before any other leave time would facilitate more efficient administration and compliance. A summary of the proposed policy changes will be distributed at the meeting.

**Fiscal Impact:** It is anticipated that there is no fiscal impact as a result of this change.

Respectfully Submitted,

Norbert Kirk, Finance Director

## POLICY 503 OVERTIME AND COMPENSATORY TIME

1. **Purpose.** To provide a consistent system for distributing overtime in compliance with the overtime-pay provisions of the Fair Labor Standards Act (FLSA).
2. Definitions.
  - 2.1 Each position is designated as either “Non-exempt” or “Exempt” from the federal Fair Labor Standards Act and state wage and hour laws. Employees should contact their supervisor if they are unsure of their position’s designation.
    - 2.1.1 Non-Exempt. Positions that are paid on an hourly basis and are entitled to overtime pay for hours worked in excess of 40 hours per week.
    - 2.1.2 Exempt. Positions that are generally paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws and are not eligible for overtime pay.
3. Overtime.
  - 3.1 Non-exempt employees may receive pay for overtime hours. This will be paid at time and one half the hourly rate of pay for any hours worked in excess of 40 hours per week.
  - 3.2 Non-exempt Highway employees will receive overtime paid at a rate of time and one half for any hours worked on Saturday or Sunday.
  - 3.3 Employees in the Sergeant, Civilian Jail Sergeant, or Correctional Officer positions may receive pay for overtime hours. This will be paid at time and one half the hourly rate of pay for any hours worked in excess of their normally scheduled hours per pay period.
  - 3.4 Paid benefit time (paid time off, extended leave bank, nonproductive holiday hours, etc.) will not be considered as hours worked for purposes of determining overtime hours and pay.
  - 3.5 Employees on conference, convention or seminar leave may be eligible for overtime for hours exceeding their normal workweek schedule resulting from travel time.

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## POLICY 503 OVERTIME AND COMPENSATORY TIME

Effective Date: January 1, 2012

Revised Date: October 2014, July 2016, April 2018, May 2019

*Eau Claire County*  
Employee Policy Manual

4. Compensatory Time Eligibility.

- 4.1 Non-exempt employees may elect to earn and use compensatory time. Compensatory time will be earned at time and one half.
- 4.2 Non-supervisory exempt employees may elect to earn and use compensatory time. Compensatory time will be earned on the basis of one hour compensatory time for one hour worked outside a 40-hour work week.
- 4.3 Department heads and exempt supervisory employees are not eligible for compensatory time.

4.3.1 ~~Effective 1/2/2020, e~~Employees in the Sergeant, Civilian Jail Sergeant, or Correctional Officer positions ~~will~~ may earn compensatory time on the basis of time and one half hours compensatory time for one hour worked for hours worked beyond their regularly scheduled hours within a pay period up to a maximum of 40 hours ~~to a maximum of 85 hours annually.~~

Commented [JG1]: This will be effective January 2, 2020

~~4.3.1.1 Once the maximum accrual amount has been met, employees will be paid for any time worked for hours worked beyond their regularly scheduled hours within a pay period at a rate of time and one half time for one hour worked.~~

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~~4.3.1.2 Compensatory time balances valuing \$50 or more at the end of a calendar year will be paid out in January of the following year and placed into the Post Employment Health Plan (PEHP).~~

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5. Compensatory Time Accrual.

- 5.1 Paid benefit time (paid time off, extended leave bank, nonproductive holiday hours, etc.) will not be considered as hours worked for purposes of determining compensatory hours.
- 5.2 Employees on conference, convention or seminar leave may be eligible for compensatory time for hours exceeding their normal workweek schedule resulting from travel time.
- 5.3 Compensatory time may be accumulated to a maximum of 40 hours.
- 5.4 Compensatory time balances will be paid out for non-exempt employees when an employee is promoted, changes positions, or changes departments.

**POLICY 503 OVERTIME AND COMPENSATORY TIME**

Effective Date: January 1, 2012

Revised Date: October 2014, July 2016, April 2018, May 2019

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~~5.5~~ The ability for non-exempt employees to earn comp time will be suspended temporarily for the December payroll cycles. Any comp time balance for non-exempt employees will be paid on the last payroll of each calendar year. The ability to earn comp time would be reinstated effective with the January payroll cycles each year. **During this timeframe non-exempt employees will continue to earn overtime as stated above.** ~~The Airport Maintenance Supervisor and employees in the Highway Department who have earned compensatory time but have a balance as of April 15 will have the balance paid out in the first full pay period in May.~~

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## 6. Compensatory Time Approval and Usage.

6.1 The employee's supervisor will have the sole right to approve or deny overtime and compensatory time requests. Except in emergencies, all overtime and compensatory time must be approved in advance by management.

6.2 ~~C~~Employees with 30 hours or more of a ~~Effective 7/7/2019 c~~ compensatory time balance must be taken ~~compensatory benefit time~~ before using other leave benefits.

Commented [JG2]: This will be effective with the payperiod July 7, 2019

### POLICY 503 OVERTIME AND COMPENSATORY TIME

Effective Date: January 1, 2012

Revised Date: October 2014, July 2016, April 2018, May 2019

*Eau Claire County*  
Employee Policy Manual

**FACT SHEET**

**TO FILE NO. 19-20/002**

The Committee on Human Resources approved several updates to the County Code (Ordinance 18-19/007) at its meeting on April 13, 2018. One change was inadvertently omitted from the Corporation Counsel's previously approved list and that change is Section 1 of 3.10.030 of the County Code related to the Affirmative Action Plan.

Based on a thorough review conducted by the Corporation Counsel, Eau Claire County is not required to have an Affirmative Action Plan; therefore, the section in the County Code which references this Plan needs to be repealed.

Repeal Section 3.10.030 of the Code

Fiscal Impact: None.

Respectfully Submitted,

Keith R. Zehms  
Corporation Counsel

KRZ/jnm

Ordinance/19-20.002 Fact





# OFFICE OF CORPORATION COUNSEL

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*Timothy J. Sullivan  
Sharon G. McIlquham  
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**CORPORATION COUNSEL**

*Keith R. Zehms*

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## MEMORANDUM

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TO: COMMITTEE ON HUMAN RESOURCES  
FROM: KEITH R. ZEHMS, CORPORATION COUNSEL  
DATE: APRIL 10, 2018  
SUBJECT: AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY

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### QUESTION

The HR Department has asked me whether the County is required to have an Affirmative Action Plan. The answer is “no”, however the County is required to have an Equal Employment Opportunity Plan (“EEOP”).

Federal civil right laws prohibit discrimination of members, applicants, enrollees, and beneficiaries in programs and activities that receive Federal financial assistance. State law also prohibits discrimination for entities receiving financial assistance. The scope of the prohibition depends on the specific law. The County has had an affirmative action plan in place since at least 1984.

### DISCUSSION

Most of the grant funds are in the form of Federal financial assistance to the State of Wisconsin primarily through the Department of Health Services (DHS), Department of Children and Families (DCF), and Department of Workforce Development (DWD). These “State Agencies” must comply with Federal civil rights requirements as recipients of Federal financial assistance, and must ensure that their recipients, in this case Eau Claire County, also comply with Federal civil rights laws as the administrator of programs and activities. The county must comply with the Civil Rights Compliance Requirements (“CRC Requirements”) authored by the State Agencies. See Wis. Stat. §16.765 and Wis. Adm. Code ADM § 50.04. The County must provide a written assurance for each grant in the form provided stating that it will comply with CRC Requirements. Most of these grant funds go to the Department of Human Services and Child Support Agency. The State exempts local government employers from Affirmative Action Plan requirements.

There are also US Department of Justice requirements for local governments with 50 or more employees and individual grant awards of from \$25,000 up to \$500,000 to develop an EEOP in accordance with 28 CFR pt. 42, subpt.E. and maintain it on file, but is not required to be filed with the Office of Civil Rights. The County is required to complete section B of the Federal Certification Form and submit it to the Office of Civil Rights. An example is a grant to the West Central Drug Task Force. There are no individual grants currently received of \$500,000 or more that would require filing of the EEOP with the Office of Civil Rights.

There are a number of grants the County receives directly from the Federal Government through Homeland Security or FEMA for the sheriff's office or emergency management where due to grant size there are no specific Affirmative Action Plan requirements. A Letter or Form of Assurance is all that is required. The airport rents space to the FAA and the TSA, but again due to the amounts there are no Affirmative Action Plan requirements.

The airport also receives grants for construction of runways and other infrastructure projects that usually exceed \$500,000 or \$1,000,000 in any given year under Executive Order 11246; however local governments are specifically exempted from Affirmative Action Plan requirements by Executive Order 11246 and the assurances that are part of the grant requirements.

#### CONCLUSION

Based on the grants, assurances, documents, state and federal regulations I have reviewed it is my opinion that Eau Claire County is not required to have an Affirmative Action Plan. Further it is my opinion that Eau Claire County is required to have an EEOP on file in the County and is also required to complete section B of the Federal Certification form and submit it to the Office of Civil Rights.