

# RESOLUTION

## ROCK COUNTY BOARD OF SUPERVISORS

Supervisor Homan  
INITIATOR



9/11/2024  
DATE SUBMITTED

Supervisor Homan  
Supervisor Mawhinney  
Supervisor Pennycook  
Supervisor Sutter  
Supervisor Woodman  
Supervisor Bostwick  
SPONSOR

### Employee Compensatory Time - Policy Change

1 ~~WHEREAS, effective October 1, 2023, a policy change was implemented that changed the policy~~  
 2 ~~regarding compensatory time; and,~~  
 3  
 4 ~~WHEREAS, this policy change had two significant impacts for employees formerly under the~~  
 5 ~~AFSCME 1077 employee group, 1) it reduced the maximum, refillable compensatory time bank from~~  
 6 ~~100 hours to 80 hours, and 2) it eliminated the ability to bank compensatory time between the last~~  
 7 ~~working day of the last pay period and the end of the calendar year; and,~~  
 8  
 9 ~~WHEREAS, the reduction of bankable hours has negatively impacted staff morale, affected employee~~  
 10 ~~retention, and potentially affected employee recruitment~~ the issue of bankable hours has impacted staff  
 11 morale, affected employee retention, and potentially affected employee recruitment; and,  
 12  
 13 ~~WHEREAS, the elimination of the ability to bank compensatory time at the end of the year has~~  
 14 ~~increased budget costs by forcing payout of overtime versus allowing that time to potentially be used as~~  
 15 ~~compensatory time; and,~~  
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 17 ~~WHEREAS, the departments affected by this proposed change have operated in the previous manner~~  
 18 ~~for many years effectively.~~  
 19  
 20 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly  
 21 assembled this day of 2024, shall ~~reinstate, effective December 1, 2024, the previous policy~~  
 22 ~~language reaffirming a 100-hour refillable bank for compensatory time and allowing for compensatory~~  
 23 ~~time to be banked for the entirety of the calendar year.~~ that Policy No. 5.05 shall be amended as follows:  
 24  
 25 Compensatory Time may accumulate to a maximum of eighty (80) one hundred (100) hours each  
 26 calendar year. Utilization of compensatory time shall be subject to staffing requirements and approval  
 27 by an employee’s supervisor. Unused compensatory time will be paid out on the last paycheck of the  
 28 calendar year. Compensatory time earned between the end of the first pay period in December and  
 29 December 31 may be carried over into the following calendar year.

FISCAL NOTE:

The Wisconsin Retirement System (WRS) Manual states that when the employer does not have a broadly applicable policy regarding compensatory time being paid out by the end of the calendar year and allows the time to be carried over into the following year and be paid out, the employer must file a late earnings report and will be assessed an interest fee for late reporting. Allowing compensatory time to be banked and carried over into future years will require the County to put a system in place to track the employee, the hours earned, the year the hours were earned, and the rate of pay when the hours were earned. WRS requires that the earnings be reported at the rate the employee held at the time the compensatory time was paid out, but not less than one and one-half of the rate of pay held at the time the service was performed. Allowing banked hours to be carried over to a future year will also increase the

County's payroll liability as the payment will be subject to payroll taxes calculated at an (assumed) higher rate of pay than when earned, as well as the applicable WRS contribution rate (which is updated annually and can increase or decrease).

Clarification of whether this resolution allows compensatory time to accrue continually (up to 100 hours) or if it must be paid out on the first payroll of the year for the prior calendar year's compensatory time earned and banked should also be made.

Kristin Vander Kooi  
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.22(2), Wis. Stats.

Richard Greenlee  
Corporation Counsel

ADMINISTRATIVE NOTE:

Best practice when implementing a new Human Resources/Payroll system is to simplify policies in advance so as to reduce the number of policy derivations that have to be programmed into the new system, which reduces the likelihood of errors, programming costs, and future administrative burden. Consequently, when planning for the implementation of Dayforce, the County consolidated myriad comp time policies into one single pay policy. The previous policies had been originally collectively bargained prior to Act 10 and incorporated into the Administrative Policy and Procedure Manual thereafter. The result was that the current policy standard of a maximum of 80 comp time hours in a refillable bank was established. This resulted in a decrease for former AFSCME 1077 staff from 100 hours, and an increase for several other groups that were allowed less than 80 hours and did not have refillable comp banks.

At the time, in looking for a consistent standard countywide, it was felt that moving all staff to 100 hours of bankable comp time would create operational challenges for other departments. Specifically, with more comp time to take as time off, 24/7 departments must backfill shifts, which in some cases results in more mandatory overtime. It was felt at the time that the use of refillable banks would mitigate concerns to a degree, as anyone who used comp time from their bank could add back to their comp bank if they worked additional overtime.

A separate issue touched on in the resolution relates to the ability to carry over comp time balances from one year to the next, the implications of which are addressed in the Fiscal Note. The current County policy requires all overtime worked after the first pay period in December to be paid as overtime (all banked comp earned during the year is paid out at the first December pay period). It is unclear from the resolution whether the intent is to reinstate the carryover provisions of the former policy. However, allowing staff to continue to bank comp time until December 31 implicitly results in a carryover, as this would not be paid until January and require the County to pay interest penalties to WRS. Further, simply allowing comp time to be banked between the first December pay period and the end of the year without allowing it to be carried over further into the subsequent year really just results in it being paid as overtime with no benefit to staff as compared to the current policy. If carryover is allowed, some reprogramming of Dayforce would be required to allow separate comp banks for each year for each employee to be established, to both track the year comp time is earned to credit the appropriate year for retroactive WRS earnings and ensure prior-year comp time is paid out at the rate at which it was earned.

Regardless of whether the County Board chooses to reinstate the prior policy as requested in the resolution, there are at least two issues that need to be clarified. Specifically:

- Is the intent to allow carryover of comp time to the subsequent year?
- To which employee groups does this change apply—only the former 1077 group (which includes some Facilities Management staff), all DPW employees, or all County staff? I would expect other County employees with comp time banks to seek similar treatment under a revised policy.

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36 Josh Smith  
37 County Administrator

**Committee Action**

**County Board Staff Committee**

Supervisor Wilson moved to amend the amendment to strike starting at line 20 "shall reinstate, effective December 1, 2024, the previous policy language reaffirming a 100-hour refillable bank for compensatory time and allowing for compensatory time to be banked for the entirety of the calendar year," and insert "that Policy No. 5.05 shall be amended as follows: Compensatory Time may accumulate to a maximum of eighty (80) one hundred (100) hours each calendar year. Utilization of compensatory time shall be subject to staffing requirements and approval by an employee's supervisor. Unused compensatory time will be paid out on the last paycheck of the calendar year. Compensatory time earned between the end of the first pay period in December and December 31 may be carried over into the following calendar year" in its place, second by Supervisor Mawhinney. Amendment ADOPTED.

Supervisor Wilson moved to strike lines 1-7 from the original resolution, second by Supervisor Gorman. Amendment ADOPTED.

Supervisor Peer moved to amend line 9 to read "WHEREAS, the issue of bankable hours has impacted staff morale, affected employee retention, and potentially affected employee recruitment," second by Supervisor Gorman. Amendment ADOPTED.

County Board Staff Committee recommended this amended resolution for approval by a unanimous voice vote.

