



Wisconsin State Fair Period Overtime Compensation Policy for Permanent Staff

A. PURPOSE

To manage the use of overtime worked and compensation provided during the annual State Fair Period, as defined, and in accordance with the federal Fair Labor Standards Act (FLSA).

B. DEFINITIONS

Compensatory Time: Paid time off the job which is earned and accrued by an employee in lieu of immediate cash payment for employment in excess of the statutory hours for which overtime compensation is required by Section 7 of the FLSA.

Exempt: A term categorizing an employee as not subject to the overtime provisions of the FLSA. Commonly referred to as Salaried.

Fair Labor Standards Act (FLSA): As it relates to state employees, a federal law governing the minimum wage, compensation for hours worked over 40 in a workweek, child labor, and recordkeeping requirements. Although state law and/or collective bargaining agreements may establish higher standards, they cannot establish lower standards or waiver from federal provisions.

Non-Exempt: A term categorizing an employee as subject to the overtime provisions of the FLSA. Commonly referred to as Hourly.

Overtime: The Fair Labor Standards Act (FLSA) definition of overtime is hours over 40 worked in a workweek, or hours over 171 worked in a 28-day period for law enforcement personnel, or hours over 212 worked in a 28-day period for fire protection personnel. Individual collective bargaining agreements and the compensation plan have different provisions defining what is considered overtime and what compensation or scheduling requirements apply, many of which are more generous than the overtime provisions provided under the FLSA.

Subordinate: Any person holding a subordinate position subject to appointment, removal, promotion or reduction by an appointing officer. *See ss. 111.81(7) and 230.08(3), Wis. Stats.; same as "employee" and "incumbent."*

Supervisor: Any individual whose principal work is different from that of the individual's subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline employees, or to adjust their grievances, or to authoritatively recommend such action, if the individual's exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

State Fair Period: Annually the period that covers those dates during which employees are expected to commit to working significantly more than their standard hours of work to accomplish the job of producing the annual Wisconsin State Fair. *See Effective Date section of Policy for current applicability.*

C. EFFECTIVE DATE

This Policy is in effect for 2015 for the **State Fair Period** of Sunday, July 19 through Saturday, August 15.

D. NON-EXEMPT EMPLOYEE OVERTIME POLICY & PROCEDURES

POLICY

Overtime is to be held to a minimum, consistent with the needs of the department's programs and must be pre-authorized by the supervisor before being worked. Wisconsin State Fair Park (WSFP) recognizes the sheer amount of work and time required to produce the annual Wisconsin State Fair and that to achieve production goals, overtime by staff is likely necessary. However, expected overtime hours to be worked by staff must be estimated, budgeted and approved to the best of each department's abilities.

COVERAGE/ELIGIBILITY

Non-Exempt employees receive overtime compensation for hours worked in excess of 40 hours in a work week, which runs from Sunday through Saturday. As an employer eligible for exemption from the overtime provisions of the FLSA under *Section 13, Exemption for Seasonal Amusement or Recreational Establishments*, overtime is provided at straight time, or an employee's standard rate of pay, for each hour in excess of 40 worked in a work week. Under state rules, non-exempt permanent employees receive overtime hours as compensatory time. However, during the State Fair Period, overtime hours may be paid as cash instead of compensatory time only when approval is requested of and received by the CEO, in accordance with the procedures set forth in this policy.

PROCEDURES/INSTRUCTIONS

1. **Supervisors** must submit a proposal to the CEO prior to commencement of the State Fair Period of anticipated overtime to be worked by their staff with a breakdown of what portion of that overtime will be paid in cash and what portion will be paid in compensatory time. In addition, supervisors are responsible for assigning work to subordinates and ensuring its completion within deadlines as well as monitoring overtime worked so that said overtime does not exceed approved hours. If a supervisor approves additional overtime above what was pre-approved for the State Fair Period, in accordance with Step 3 below, the supervisor must repeat Step 1 here to seek approval from the CEO of that additional overtime.
2. The **CEO** will review each request and either approve, modify or deny the request. If approved, the CEO will forward the request and approval to both the supervisor and Human Resources. If modified or denied, the CEO will forward the original request along with the modification and approval of that modification to both the supervisor and Human Resources. If denied, the CEO will inform the supervisor of such and may inform the supervisor to re-submit following Step 1 again.
3. **Employees** will manage their workload such that any overtime necessary to be worked does not exceed the amount pre-approved by their supervisor. If additional overtime may be needed to accomplish an employee's workload that has not already been approved, the employee must meet with his/her supervisor to discuss the work, its necessity and whether other resources may be available to accomplish the work. If the Supervisor dictates the work must be completed and overtime is necessary to accomplish such, the supervisor will repeat Step 1 above to seek approval from the CEO of additional overtime.

E. EXEMPT EMPLOYEE OVERTIME POLICY & PROCEDURES

POLICY

Exempt employees (those in professional and/or management positions) are paid on a salary basis and are not eligible for overtime pay under the Fair Labor Standards Act (FLSA). Additional pay and benefits are expected to compensate for expected hours in excess of 40 per week and the commitment necessary during the annual Wisconsin State Fair. Annually, WSFP will consider providing some compensation to exempt staff for the State Fair Period. The amount granted will be a function of expected time and effort and is not a guaranteed benefit annually.

COVERAGE/ELIGIBILITY

Exempt employees have no statutory or legal right to overtime compensation. Overtime compensation may be granted for extraordinary circumstances. The Wisconsin State Fair is not considered an extraordinary circumstance in and of itself.

Exempt permanent employees will receive overtime at a rate of ½ hour for every one (1) hour worked in excess of 40 hours per week during the State Fair Period, or prorated portion for overtime increments of less than one (1) hour worked. Overtime will not be provided in less than 30-minute increments, meaning an employee must record at least one (1) full hour of overtime to be compensated. Overtime compensation will be 50% cash and 50% compensatory time with a maximum compensation of 80 total overtime hours over the State Fair Period.

PROCEDURES/INSTRUCTIONS

1. **Employees** must track their hours worked during the State Fair Period using the [Timesheet for State Fair Period](#). In each pay period of the State Fair Period, employees must enter in PTASystem their standard weekly work hours (ex: 40 hours for a 100% FTE employee) and submit the timesheet to their supervisor to identify the actual hours worked each day and ensure appropriate crediting of compensation. The timesheet is due by 10:00am on the Monday following close of the pay period for each pay period of the State Fair Period.
2. **Supervisors** must review timesheets submitted by subordinates for approval or modification. If approved, the supervisor will sign and submit the timesheet to the **CEO** by the 12:00pm noon on the Monday following close of the pay period for each pay period covered in the State Fair Period. Supervisors will *not* modify PTASystem employee hours such that they exceed the employee's standard work hours nor will they approve PTASystem employee hours until informed by Human Resources to do so.
3. The **CEO** will review for compliance with policy and forward the timesheet to Human Resources by 10:00am on the Tuesday following close of the pay period for each pay period covered in the State Fair Period.
4. **Human Resources** will ensure appropriate crediting of overtime compensation by making the necessary adjustments in PTASystem prior to supervisory approval. When finished, Human Resources will notify the supervisor of their need to approve employee hours.

F. REFERENCES

[Federal Fair Labor Standards Act](#), including [Section 13, Exemption for Seasonal Amusement or Recreational Establishments](#)

[State of Wisconsin Compensation Plan](#)

[Wisconsin State Fair Park Employee Handbook](#)

[Wisconsin State Fair Park Organizational Chart](#) – for FLSA designations (exempt, non-exempt) of positions