



STATE OF WYOMING

COMPENSATION

POLICY

Revised 02/21/2018

**COMPENSATION POLICIES
OF THE
EXECUTIVE BRANCH OF
WYOMING STATE GOVERNMENT**

February 21, 2018

These policies supersede any and all other compensation policies of the State of Wyoming.

For information concerning availability of the Compensation Policies in an alternate format, please contact the Department of Administration and Information, Human Resources Division, 2001 Capitol Avenue, Cheyenne, WY 82002, Telephone: (307) 777-6713, FAX: (307)777-6562.

DISCLAIMER

Any oral or written statements or promises that are contrary to these policies are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. The contents of the State of Wyoming Compensation Policies are subject to change at any time at the sole discretion of the State of Wyoming. The State of Wyoming explicitly reserves the right to modify, change, add or delete any provisions of the State of Wyoming Compensation Policies at any time.

TABLE of CONTENTS

Philosophy.....	1-2
Vision.....	2
Mission.....	2
Chapter 1 – General Procedures.....	3-7
Section 1. Authority	3
Section 2. Coverage	3
Section 3. Interpretation.....	3
Section 4. Enforcement.....	3-4
Section 5. Requirements for All Pay Adjustments.....	4-6
Section 6. Sequences Effecting Pay Adjustments.....	6
Section 7. Salary Surveys.....	6
Section 8. Premium Pay	7
Chapter 2 – Hiring.....	8-10
Section 1. Hiring Rates	8-9
Section 2. Hiring Upon Re-Employment	9
Section 3. Return from Leave without Pay	9
Section 4. Reinstatement.....	9-10
Chapter 3 Base Pay Adjustments	11-16
Section 1. Pay Adjustment to a Higher Grade.....	11-12
Section 2. Pay Adjustment to a Lower Grade	12-13
Section 3. Special Pay Adjustments.....	13-15
Section 4. Holiday Premium	15
Section 5. Educational Compensation	16
Section 6. Overpayment of Wages	16
Chapter 4 - Non-Base Pay Adjustments.....	17-22
Section 1. Non-Performance Job Related Expenses	17
Section 2. Shift Differentials	17
Section 3. Call-Back Pay.....	18
Section 4. On-Call Pay.....	18-19
Section 5. Bonus for Exempt Employees.....	20-21
Section 6. Position in Range and Performance Adjustment.....	21
Section 7. Training Expenses.....	22
Chapter 5 - Fair Labor Standards Act Policies.....	23-30
Section 1. Overtime.....	23-24
Section 2. Compensatory Time	24-25
Section 3. Exempt Employee Determination	25-26
Section 4. Official State Workweek	26

Section 5. Workweek Standard.....	26
Section 6. Exceptions to the Workweek Standard.....	27
Section 7. Hours of Work	27-28
Section 8. Rest Periods (Breaks)	28
Section 9. Meal Period	29
Section 10. Special Activities	29
Section 11. Non-Exempt Employee Travel.....	29-30
Section 12. Sleeping Time	30
Chapter 6 - Compensation upon Separation	31-32
Section 1. Vacation Leave	31
Section 2. Sick Leave	31
Section 3. Longevity	31
Section 4. Compensatory Time	31
Section 5. Paid Time Off	31
Section 6. Restrictions	32
Section 7. Other Accrued Leave	32



STATE OF WYOMING

STATEMENT OF COMPENSATION PHILOSOPHY FOR EXECUTIVE BRANCH EMPLOYEES

Umbrella Statement

The compensation program for Executive Branch employees shall be designed to support the mission of the State and the agencies within the Executive Branch. The foundation of the compensation program is the legislatively adopted compensation philosophy which is intended to attract and retain quality employees with competitive compensation based on relevant labor markets. The compensation program and its component plans shall be based upon principles of fairness and equity and shall be administered with sound fiscal discipline. The compensation program and its component plans shall reinforce a productive work climate, a culture of accountability and encourage employees to achieve their career potential with the State.

Component Statements

- 1) The responsibilities for developing and implementing the compensation program are as follows:
 - a. The Legislature is responsible for the adoption of the State's compensation philosophy and the provision of funding for the compensation program.
 - b. The Department of Administration and Information with the oversight of the Governor is accountable for the development and consistent administration of the compensation program and its component plans for the Executive Branch.
 - c. Agency heads are accountable for proper administration of the compensation program and its component plans within their agencies.
- 2) The compensation program and its component plans shall be based on consistent principles of fairness throughout the State yet will be flexible to meet changing needs. There shall be one statewide compensation policy with multiple pay plans to address different job specialties. Agency heads will have flexibility to utilize compensation as a means to have the best employees in the appropriate roles to meet their business and human resources needs.

- 3) Establishing the value of compensation shall be based both on principles of internal equity as measured by a defensible method of job evaluation and external value as measured by competitive compensation in the relevant market.
- 4) All aspects of compensation (base salary, benefits, allowances and incentives) shall be considered as a total compensation package for State employees. The State's pay programs shall allow both fixed and variable compensation as well as non-cash reward and recognition programs.
- 5) Total compensation, as defined above, shall be targeted at a competitive level when compared to the appropriate labor markets to allow the State to attract and retain the quality and quantity of employees needed to fulfill its service commitments to its citizens.
- 6) Pay delivery mechanisms shall be based on a combination of establishing and maintaining relativity to market, achievement of performance objectives, recognition of differences in job content and the acquisition and application of further knowledge, skills and abilities.
- 7) The State is committed to ensuring that its salary structures and rates of pay are up to date. To accomplish this, the Department of Administration and Information shall conduct market surveys at regular intervals. There shall be a planned approach to ensure that the classification of employees and allocation to grades based on principles of job evaluation is kept current.
- 8) The compensation program and its component plans shall reinforce a work culture and climate where employees are recognized and rewarded competitively as compared to market for achievement of their expected level of contribution. Any changes to compensation must be reasonable and take into consideration both the needs of the State as an employer and the citizens receiving services from the State.

VISION

To provide all state agencies with one consistent comprehensive compensation policy to recruit, retain, and reward state employees.

MISSION

To apply and maintain policies and procedures that provide internal alignment and incorporates market based data into pay ranges while establishing consistent and equitable base pay and non-base pay actions that will be consistently applied for all state employees.

CHAPTER 1 - GENERAL PROCEDURES

Section 1. Authority

- 1) These Compensation Policies are established by the Human Resources Division (HRD), Department of Administration and Information (A&I), State of Wyoming, in accordance with W.S. 9-2-1022 (a)(ii), (b)(iv), & (c).

Section 2. Coverage

- 1) All employees shall be paid within the pay ranges established in accordance with these official Compensation Policies and the provisions of the State of Wyoming Personnel Rules.

Section 3. Interpretation.

- 1) The A&I Human Resource Administrator or designee is solely responsible for providing official interpretations of these compensation policies in cases of apparent internal conflict between policies, or when questions arise about their application to specific situations, procedures or policies.

Section 4. Enforcement

- 1) The A&I Human Resources Administrator or designee shall ensure that these compensation policies are enforced and applied uniformly and fairly by all Executive Branch agencies.
- 2) All agency pay actions shall be subject to audit by A&I HRD.
- 3) Agency Responsibilities.
 - a. The agency head is responsible for the overall funding of the agency. The cumulative results of any and all pay adjustments provided by the Agency under these policies shall not have the effect of exceeding the total agency authorized funding.
 - b. The Agency head or designee shall ensure consistent application of the state compensation policy within their agency. All pay actions shall be administered in a consistent and equitable manner using these compensation policies.
 - c. An agency head or designee shall not increase salaries of existing employees if the hiring of a new employee or the promotion, reclassification or other pay adjustment of an existing employee creates salary inequities with existing employees.

- d. The Agency head or designee shall inform all employees of these compensation policies.
- e. The Agency head or designee is responsible for enforcement of overtime rules.
- f. The Agency head or designee is responsible for daily and weekly documentation of hours worked for each non-exempt employee.

Section 5. Requirements for All Pay Adjustments

- 1) As a matter of good management practice, pay increases shall be offered only to employees who do not have an overall “unsatisfactory” rating of performance.
 - a. Employees on a work improvement plan or who have an overall rating of “unsatisfactory” on their most recent performance evaluation **shall not be eligible** for any pay increase until such time as the employee no longer has an overall “unsatisfactory” rating of performance.
- 2) The following apply to all actual rates of pay and adjustments unless otherwise specified:
 - a. Actual rates of pay and or adjustments shall not be above the maximum rate nor fall below the minimum rate of the specified pay range without prior written approval by the A&I Human Resources Administrator or designee.
 - b. The Agency head or designee is responsible for acting promptly on all pay actions. Retro-active pay actions shall not be authorized more than 30 days in arrears.
 - c. The Request for Pay Approval Form shall be submitted to A&I HRD for all actions involving an employee’s pay or change made in the payroll system.
 - i. The Agency head or designee, Agency Human Resource Officer and Agency Fiscal Officer or designee must sign the request for pay approval form, approving the action and certifying the availability of funds.
 - ii. Agencies are required, on the pay approval form, to identify specifically where funds will come from if individual pay increases exceed the authorized funding level for the position.
 - iii. The Request for Pay Approval Form shall be signed by the employee for all reductions in pay.
 - d. When establishing a pay action, the agency head or designee shall take into consideration all of the following:

- i. The applicant's education, training and/or work experience as it relates to the job in which the applicant is being considered;
 - ii. Specialized/technical training and/or experience as it relates to the job in which the applicant is being considered;
 - iii. Internal equity
 - 1. Agency average of actual pay for same class
 - 2. The employees' current salary, and pay levels of other employees in the same class being filled.
 - 3. Average state pay for same class. Average state pay rates are located on the A&I HRD web page <http://personnel.state.wy.us/> under "Employee Compensation" under "Statewide Salary Averages"
 - 4. Recruiting problems associated with filling a position.
 - iv. Performance record of the employee and other employees within the same classification.
 - v. Ability to fund the rate of pay without increasing the overall agency standard budget authorization.
- e. For all pay adjustments and agency shall ensure the overall standard budget does not increase without first going through the following procedures:
- i. Eliminate positions, following through with necessary budget modification;
 - ii. Downward reclassification of position(s) along with the corresponding reduction of salary and / or budget (net to zero);
 - iii. Move funding from one object class to the salary class where allowed in writing by the A&I Budget office;
 - iv. Identify available appropriated funds and leverage where possible with written approval of the A&I Budget office;
 - v. Target an amount of the second half of the biennium's currently appropriated funding made available to address pay inequities when all previous avenues have been exhausted;
 - vi. Request funding through the budget process when all previous avenues have been exhausted.
- f. Exceptions to any pay action shall be submitted in writing to the A&I HRD Administrator or designee for review and prior approval.

- i. No offer shall be made to an employee or applicant which requires prior approval of the A&I HRD Administrator or designee until such approval has been provided in writing to the agency.

Section 6. Sequences Affecting Pay Adjustments

- 1) If two or more pay adjustments occur on the same effective date, adjustments shall be made in the following sequence:
 - a. Adjustment to pay table (Adjustment to the minimum of the pay table.)
 - b. General pay adjustments (i.e. authorized by the Governor or Legislature)
 - c. Position in Range and Performance adjustments when authorized statewide for eligible employees; then
 - d. Pay adjustments resulting from promotions, reappointments, reclassification, reductions and A&I HRD initiated classification and compensation program maintenance.

Section 7. Salary Surveys

- 1) Data on pay ranges and actual rates of pay will be gathered annually by A&I HRD.
 - a. Criteria for Survey Selection – A planned approach shall include using surveys meeting the following criteria:
 - i. Adequate job descriptions ensuring appropriate duties and responsibilities can be matched to state jobs;
 - ii. The survey reports an effective date of data collection and pay rate;
 - iii. The survey reports range minimums and maximums and actual average salaries;
 - iv. The survey participants are within our labor market and identified in the survey;
 - v. The survey uses well defined methodology in sample selection, data verification and data analyses;
 - vi. Survey data is not self-reported by individual employees;
 - vii. The survey is available for A&I HRD to examine, verify or purchase.
- 2) Labor market analysis results will be provided by A&I HRD for review and approval of the Governor.
- 3) Additional surveys may also be conducted by A&I HRD.

Section 8. Premium Pay Policy

- 1) There may be some jobs for which the market is paying a premium over others of similar job content. Premium Pay will be utilized to address compensation related to recruitment and retention issues. A&I HRD will annually conduct comparison market surveys to identify jobs that require exceptions to the job evaluation grade assignments.
- 2) A&I HRD will analyze the weighted average of the comparative market data and the relationship to the market policy position to determine if a premium pay grade should be considered. A&I HRD will also consider other relevant factors such as vacancy rates, amount of time positions have been vacant, turnover ratios, recruitment difficulties, etc. in determining the necessity of a premium pay grade assignment.
- 3) Premium pay grade assignments will be reviewed by A&I HRD on an annual basis after they were allocated to a premium grade. The premium pay assignment may be extended for a period of time as determined by A&I HRD or shall revert back to the job evaluation grade.

CHAPTER 2 – HIRING

Section 1. Hiring Rates

- 1) The hiring rate is the beginning rate at which people typically are hired into a job. The hiring rate will be dependent upon the level of knowledge, skills and demonstrated competencies which the employee being hired brings to the job. In addition, other factors to be taken into consideration will include: the employee's current actual rate of pay and pay levels of other employees in the job being filled.
- 2) Pay ranges are outlined in Appendix A and are posted on the A&I HRD Web site.
- 3) An agency head or designee shall not increase salaries of existing employees if the hiring rate of a new employee creates salary inequities with existing employees.
- 4) The agency head or designee has the discretion to offer a hiring rate between the minimum and up to the market policy position of the pay range provided:
 - a. the agency head or designee shall take into consideration all of the following:
 - i. The applicant's education, training and / or work experience as it relates to the job for which the applicant is being considered; AND
 - ii. Any specialized and / or technical training and experience the applicant has as it relates to the job in which the applicant is being considered; AND
 - iii. Equity with other employees within the same classification by comparing the applicant being considered with the:
 1. Pay of other state employees for the same classification; AND
 2. Performance levels of other employees within the same classification; AND
 3. When possible, the education and / or experience of other state employees in the same classification; AND
 - iv. Ability to fund the pay rate without increasing the overall agency standard budget authorization which includes in order of priority:
 1. Eliminating one or more position(s) to fund the pay rate and immediately modifying the budget through the A&I Budget office; and / or
 2. Downward reclassification of one or more position(s) to fund the pay rate and immediately modifying the budget through the A&I Budget office; and / or
 3. Move funding from one object budget to the salary budget when approved in writing by the A&I Budget office; and / or
 4. Identifying available appropriated funds and leverage where possible with written approval of the A&I Budget office; and / or

5. Target an amount of the second half of the biennium's currently appropriated funding made available to address pay inequities when (a) thru (d) above have been exhausted; and / or
 6. Request funding through the budget process when (a) thru (e) above have been exhausted.
- 5) In rare occasions, an agency head may request an exception to offer a hiring rate above the market policy position provided:
- a. The agency complies with all of (a) above; AND
 - b) The agency receives prior written approval from the A&I HRD Administrator or designee to exceed the market policy position.
- 6) The agency head or designee shall adhere to Chapter 1, Section 5 when establishing a hiring rate.

Section 2. Hiring upon Re-Employment

- 1) An employee re-employed to the same classification within four (4) months after separation shall be paid at any rate equal to or less than the pay at separation but not less than the minimum of the pay range.
- 2) An employee re-employed to a different classification after separation shall be hired in accordance with Chapter 2, Section 1 above.

Section 3. Return from Leave without Pay

- 1) An employee who has returned from an authorized leave of absence without pay shall be paid at the same rate as when the leave was granted, but not less than the minimum of the pay range.
- 2) An employee shall be granted any legislative, statewide, or agency wide authorized base pay adjustments made during the employee's leave of absence on the condition any eligibility requirements have been met.

Section 4. Reinstatement

- 1) A permanent employee who is separated by a reduction in force (RIF) and reinstated within twenty-four (24) months to the same classification shall receive the same salary as when the RIF occurred, but not less than the minimum of the pay range.
- 2) An employee shall be granted any legislative, statewide or agency wide authorized base pay adjustments made during the period of separation on the condition any eligibility requirements have been met.

- 3) If the reinstatement is to a different classification the employee shall be hired in accordance with Chapter 2, Section 1 above.

CHAPTER 3 - BASE PAY ADJUSTMENTS

Section 1. Pay Adjustments to a Higher Grade:

1) The agency head or designee has the discretion to offer a base pay adjustment to an employee between the minimum and the market policy position due to a change in position or classification to a HIGHER grade provided:

a. A pay increase shall be offered only to employees who do not have an “unsatisfactory” rating on their most recent performance evaluation; AND

b. In determining the rate of pay, the agency head or designee shall take into consideration all of the following:

i. The current and past performance of the employee; AND

ii. The employee’s education, training and / or work experience as it relates to the job for which the employee is being considered; AND

iii. Any specialized and / or technical training and experience the employee has as it relates to the job in which the employee is being considered; AND

iv. Equity with other employees within the same classification by comparing the employee being considered with the:

1. Pay of other state employees for the same classification; AND

2. Performance levels of other employees within the same classification;

AND

3. When possible, the education and / or experience of other state employees in the same classification; AND

v. Ability to fund the pay adjustment without increasing the overall agency standard budget authorization which includes in order of priority:

1. Eliminating one or more position(s) to fund the pay adjustment and immediately modifying the budget through the A&I Budget office; and / or

2. Downward reclassification of one or more position(s) to fund the pay adjustment and immediately modifying the budget through the A&I Budget office; and / or

3. Move funding from one object budget to the salary budget when approved in writing by the A&I Budget office; and / or

4. Identifying available appropriated funds and leverage where possible with written approval of the A&I Budget office; and / or

5. Target an amount of the second half of the biennium's currently appropriated funding made available to address pay inequities when (a) thru (d) above have been exhausted; and / or

6. Request funding through the budget process when (a) thru (e) above have been exhausted.

2) In rare occasions, an agency head may request an exception to offer a base pay adjustment above the market policy position provided:

a. The agency complies with all of (a) above; AND

b. The agency submits a Pay Approval Form to A&I HRD and receives prior written approval from the A&I HRD Administrator or designee.

Section 2. Pay Adjustments to a Lower Grade:

1) The agency head or designee has the discretion to REDUCE the base pay of an employee due to a change in position or classification to a LOWER grade provided:

a. If the current salary of the employee is above the maximum of the new lower grade, the base pay SHALL be reduced to a level within the lower grade.

b. The agency head or designee shall take into consideration all of the following:

i. The current salary of the employee compared to the existing salaries of the employees within the new lower grade; and

ii. The current and past performance of the employee; AND

iii. The employee's education, training and / or work experience as it relates to the job for which the employee is being considered; AND

iv. Any specialized and / or technical training and experience the employee has as it relates to the job in which the employee is being considered; AND

v. Equity with other employees within the same classification by comparing the employee being considered with the:

1. Pay of other state employees for the same classification; AND

2. Performance levels of other employees within the same classification; AND

3. When possible, the education and / or experience of other state employees in the same classification; AND
- 2) Under no circumstances may an agency head offer a base pay increase to an employee moving to a lower grade.

Section 3. Special Pay Adjustments

- 1) Special Pay Adjustments may be a base pay adjustment or a non-base pay adjustment and include:
 - a. A transfer of an employee into a different position in the same grade as the employee's current classification (base pay); or
 - b. Temporary additional duties assigned to a position, which are typically performed at a higher grade than the employee's current grade (non-base pay); or
 - c. A salary adjustment to correct equity issues within a classification (base pay); or
 - d. A salary adjustment to correct equity issues caused by statewide policy implementation (base pay); or
 - e. A Specialty Team Adjustment (non-base pay); or
 - f. Interim Appointment to a higher grade (non-base pay); or
 - g. A Certification Adjustment (non-base pay); or
 - h. A retention offer to retain an employee (base pay); or
 - i. Other issue identified by A&I HRD (base pay or non-base pay at the discretion of A&I HRD).
- 2) An agency head or designee may request a special pay adjustment between the minimum and the market policy position of the pay grade to an employee provided:
 - a. All special Pay adjustment require an agency head or designee submit to A&I HRD, a complete and detailed request and receive prior written approval before notifying or discussing with the employee; AND
 - b. A pay adjustment shall be offered only to employees who do not have an "unsatisfactory" rating on their most recent performance evaluation; AND
 - c. In determining the rate of pay, the agency head or designee shall take into consideration all of the following:

- i. The current and past performance of the employee; AND
 - ii. The employee's education, training and / or work experience as it relates to the job for which the employee is being considered; AND
 - iii. Any specialized and / or technical training and experience the employee has as it relates to the job in which the employee is being considered; AND
 - iv. Equity with other employees within the same classification by comparing the employee being considered with the:
 1. Pay of other state employees for the same classification; AND
 2. Performance levels of other employees within the same classification; AND
 3. When possible, the education and / or experience of other state employees in the same classification; AND
 - v. Ability to fund the pay adjustment without increasing the overall agency standard budget authorization which includes in order of priority:
 1. Eliminating one or more position(s) to fund the pay adjustment and immediately modifying the budget through the A&I Budget office; and / or
 2. Downward reclassification of one or more position(s) to fund the pay adjustment and immediately modifying the budget through the A&I Budget office; and / or
 3. Move funding from one object budget to the salary budget when approved in writing by the A&I Budget office; and / or
 4. Identifying available appropriated funds and leverage where possible with written approval of the A&I Budget office; and / or
 5. Target an amount of the second half of the biennium's currently appropriated funding made available to address pay inequities when (a) thru (d) above have been exhausted; and / or
 6. Request funding through the budget process when (a) thru (e) above have been exhausted.
- 3) In rare occasions, an agency head may request an exception to offer a special pay adjustment above the market policy position provided:
- a. The agency complies with all of (a) above; AND

- b. The written documentation and justification can be verified and is supported by a thorough review and analysis conducted by A&I HRD; AND
- c. The A&I HRD Administrator or designee approves.

Section 4. Holiday Premium

- 1) Refer to the State of Wyoming Personnel Rules, Chapter 10, Section 4(b) for a list of official State holidays.
 - a. If New Year's Day, Independence Day, Christmas Day or Veterans Day fall upon a Sunday, the Monday following is a legal holiday (W.S. 8-4-101).
- 2) The agency shall determine the need for and authorize employees to work on the official state holiday.
 - a. A non-exempt employee required to work on the official state holiday shall
 - i. Be paid a premium rate of one and one-half times their compensation rate for all hours worked; or
 - ii. Be given compensatory time at a rate of one and one-half hours off for each hour worked during the holiday.
 - b. The non-exempt employee shall inform the agency regarding the method (overtime pay or compensatory time) in which they want to be compensated for the hours worked.
 - i. An agency shall honor the employee's request except where budget or staffing requirements preclude the selected method.
 - ii. A written record of the agreement shall be maintained.
 - c. Employees exempt from overtime, who are required to work on the official State holiday, shall be granted paid time off at the rate of one and one-half hours off for each hour worked.
 - i. An exempt employee required to work on the holiday shall receive paid time off only.
 - ii. Exempt employees who are granted paid time off for hours worked on a holiday shall not use these hours in the calculation for the Bonus for Exempt Employees (BEE) (see Chapter 4, Section 6) payments.

Section 5. Educational Compensation

- 1) The agency head or designee may approve compensation during educational leave, of up to one hundred (100%) percent of the employee's base salary at the time the leave is granted.
 - a. Any approval for such compensation shall be based on budgetary allowances and the potential value of the education to the State.
- 2) The Agency head or designee shall notify A&I HRD in writing when granting any educational leave.
 - a. The Educational Leave shall be recorded and tracked in the state's payroll system.
- 3) The employee shall be required to sign an Employee Education Contract approved by the Attorney General's office notifying them of the requirements below:
 - a. An employee shall work for the Agency for two years for every year(s) during which the Agency paid for the Employee's educational leave.
 - b. In the event the employee fails to meet the requirements of the contract, or resigns, retires or is dismissed from State service, the employee shall reimburse the Agency for the amount specified in the contract.

Section 6. Overpayment of Wages

- 1) When an employee receives an overpayment of wages, the overpayment will be repaid to the state in one of two ways.
 - a. The employee shall send a cashier's check to the agency for the full amount of the overpayment and the agency will forward the check to SAO, OR
 - b. The agency takes the deduction from the employee's next paycheck.

If an employee terminates from the state prior to repayment the remainder owed will be deducted from the final check.

CHAPTER 4 - NON-BASE PAY ADJUSTMENTS

Section 1. Non-Performance Job Related Expenses

- 1) Non-performance job related expenses are defined as reimbursement for items including tools, uniform cleaning, and housing, some of which are legislatively approved.
- 2) Legislatively approved payments for non-performance job related expenses shall be in accordance with state statute.

Section 2. Shift Differentials – NON-EXEMPT EMPLOYEES ONLY

1) EVENING DIFFERENTIAL (Monday – Friday)

- a. A premium paid to non-exempt employees whose regularly assigned hours of work are outside 6 am to 6 pm Monday through Friday.
- b. An evening differential shall be paid to:
 - i. non-exempt employees who are regularly required to work outside 6 am to 6 pm, and/or
 - ii. Non-exempt employees who are required to work another employee's shift outside 6 am to 6 pm.

2) WEEKEND DIFFERENTIAL (Saturday – Sunday)

- a. A premium paid to non-exempt employees who are directed to perform duties where there are 24-hours a day, 7 days a week, 365 days a year continuously staffed operations, to include those positions which may have seasonal requirements.
- b. A weekend differential shall be paid to:
 - i. non-exempt employees who work any shift between 12:00 am Saturday and 11:59 pm Sunday where there are 24-hours a day, 7 days a week, 365 days a year staffing requirements.

3) A non-exempt employee shall be paid a 5% differential to their base pay, excluding supplementary forms of compensation.

4) Non-exempt employees shall provide written documentation indicating the number of qualifying hours for which a shift premium is to be paid, and verified by the appropriate agency authority.

Section 3. Call-Back Pay – NON-EXEMPT EMPLOYEES ONLY

- 1) A non-exempt employee who is called back to work during other than normally scheduled work hours shall be paid for call back pay.
- 2) The agency head or designee shall establish a response time and communicate it to the employee prior to use.
- 3) An employee shall be compensated for a minimum of two (2) hours at the employee's regular rate of pay regardless of hours worked, beginning upon arrival at the regularly assigned work location.
- 4) Any hours exceeding the original two (2) hours shall be paid on an hour for hour basis.
- 5) For overtime purposes, only actual hours worked during the call-back period shall be used to determine total workweek hours.
- 6) Each call back period shall stand alone when determining the original two (2) hour period.

Example 1:

Employee A got a call at 6:00 pm to return to work for a maintenance problem. He arrived at work at 6:30 pm and left work at 7:00 pm. Employee A will be paid the minimum of 2 hours of call back pay; only 30 minutes of which will count toward hours worked in the week.

0.5 actual hours worked, plus
1.5 hours of call-back pay
= 2.0 hours paid

Example 2:

Employee B got a call at 7:00 am on Saturday to return to work. She arrived at work at 7:30 am and left work at 1:30 pm. Employee B will have all 6 hours go towards actual hours worked and will receive no call back pay.

6 hours actual hours worked

Section 4. On-Call Pay – NON-EXEMPT EMPLOYEES ONLY

- 1) A non-exempt employee who is required to remain on the agency's premises or so close that the time cannot be used effectively for that employee's own purposes, is working on-call and such time shall be considered as hours worked.

- 2) Working on call is defined as a formal assignment, by schedule, to be available to respond to a call to return to work within a specified period of time.
 - a. On-call pay is not authorized for employees who are subject to call, and who only have to leave word with the employer on where they may be reached.
- 3) Permitting non-exempt employees to conduct business without requiring their physical return to work shall be considered working on-call.
- 4) The following criteria shall qualify an employee for on-call pay:
 - a. Restrictions placed on a non-exempt employee who is on call to handle critical situations as defined by the agency.
 - b. Authorized by the Agency to perform work at or from their residence.
- 5) Agencies shall designate on-call employees by use of a pre-approved written schedule.
- 6) Agencies shall provide adequate means of communication to allow the employee mobility during on-call periods (e.g., pager, cellular phones, radio, scanners, etc.)
- 7) An agency shall verify that the employee is required to remain in an on-call status during non-work hours.
- 8) On call pay shall be \$1.00 per hour for the time period the employee is waiting to be called back to work.
- 9) On-call non-exempt employees conducting business without a physical return to work shall be paid for actual time worked.
 - a. The work must be substantial in nature (at least eight (8) minutes in duration).
 - b. Approved procedures have been followed for verifying the time and performance of work.
- 10) When the on-call employee is required to return to work, work time is covered by the call back pay policy, which requires a minimum of two hours pay for time worked (See Chapter 4, Section 6 Call-Back Pay above).
- 11) For overtime purposes, only actual hours worked during the call-back period shall be used to determine total workweek hours.

Section 5. Bonus for Exempt Employees

- 1) Employees in the X system pay grades are not eligible.
- 2) An EXEMPT employee who is required by their supervisor to work, due to circumstances or special events, in excess of the base number of hours available to be worked in any month shall be eligible for bonus pay or bonus time (Bonus for Exempt Employees).
- 3) Examples of qualifying circumstances or events may be:
 - a. Peak Time (periods of high customer demand or seasonal necessity)
 - b. Time critical projects by demand/mandated (legislative, gubernatorial, etc.)
 - c. Crises (health, public safety, environmental or systems failure)
- 4) The agency head or designee has the sole discretion for determining qualifying circumstances or events.
 - a. An exempt employee who is authorized to receive BEE shall inform the agency regarding the method (BEE pay or BEE time) in which they want to be rewarded for excess hours worked.
 - b. An agency shall honor the employee's request except where budget or staffing requirements preclude the selected method.
 - c. A written record of the agreement shall be maintained.
- 5) Agencies shall have an accurate and auditable tracking system for exempt employees.
- 6) The calculation for BEE time is determined by subtracting the total number of hours worked in a month from the minimum number of hours figure on Appendix B which is posted on the A&I HRD Web page.
 - a. The difference is the number of BEE hours. BEE time is hour for hour after working 10 hours over the required hours in a month.
 - b. Only actual hours worked count towards BEE time.
 - c. Leave time will not count towards the compilation of total base hours.
 - d. Hours worked on a holiday do not count towards hours worked for BEE time accrual purposes.

- i. Hours worked on a holiday will be compensated under paid time off provisions for exempt employees.
- 7) BEE time is not required to be utilized before annual leave.
- 8) All balances of BEE time shall be brought to zero on January 1 unless given prior written approval from A&I HRD.
- 9) BEE time balances shall not be paid out in the event of the employee’s termination or transfer to another state agency.
- 10) The agency head or designee shall provide a written report to A&I HRD detailing the use of bonus pay or bonus time on a quarterly basis.

Section 6. Position in Range and Performance Adjustments

- 1) The position in range adjustment describes a variable pay policy for classified non at-will employees and supports an objective of the compensation philosophy, which advocates “establishing and maintaining relativity to market and achievement of performance objectives”. The key components of this matrix include accelerated movement to the market policy position with the increase tied to documented acceptable performance.
- 2) When authorized by either the Governor or Legislature, A&I HRD shall establish a performance and position in range matrix similar to the example below to distribute available funding. “X” to be determined by A&I HRD.

Illustrative Only

Relativity to Market Policy Position	% Increase	+	Level of Performance	% Increase
X% or Above Market Policy Position	X%		Exceeds Expectations	X%
X% – X% Below Market Policy Position	X%		Meets Expectations	X%
Less than X% Below Market Policy Position	X%		Needs Improvement	X%

Pending Available Funding

- 3) The amount of the increase is dependent on the employee’s current salary relative to the Market Policy Position as described in the above chart and the level of the employee’s performance.
- 4) Employees with a salary above the market policy position or above the maximum of the grade are not eligible for a position in range adjustment.

Section 7. Training Expenses

- 1) Employees may be reimbursed by the state for job-related training.
- 2) Employee Requested Training
 - a. Employees shall make written requests to the agency head or designee to participate in job-related approved training courses.
 - b. The agency head or designee shall review and approve or disapprove such requests based on the contents of the course and the potential value of the training to the agency.
 - c. Based on these factors and budgetary restrictions, the agency head or designee may approve reimbursement for up to seventy-five (75) percent of tuition and other course-related expenses, except for text books or other materials which shall become the property of the employee, upon evidence of satisfactory completion of such approved employee-requested training, provided that the employee has not separated from State service.
 - d. The agency head or designee shall provide the employee with a written response to their request, to include a definition of satisfactory course completion.
- 3) Agency Required Training
 - a. When employees are required by the agency to participate in approved training courses, the agency shall pay for, or if applicable, reimburse the employee for one hundred (100) percent of the costs directly related to such required training.

CHAPTER 5 FAIR LABOR STANDARDS ACT POLICIES

Section 1. Overtime

- 1) The overtime policy of the State of Wyoming shall be in accordance with and no more stringent than the provisions of the “Federal Fair Labor Standards Act of 1938,” as amended 29 U.S.C. 201 et set. (FLSA)
- 2) The Governor has overall responsibility to ensure agencies adherence to the Fair Labor Standards Act (FLSA).
- 3) A&I HRD will provide assistance to agencies regarding interpretation of these standards.
- 4) Agency heads or their designees shall clearly communicate to the employee upon initial hire or upon change in position or classification, the determination of exempt/non-exempt status for overtime purposes.
- 5) Agencies shall provide this determination in writing.
- 6) The agency shall determine the need for and authorize the use of overtime.
- 7) A non-exempt employee shall receive overtime payment or compensatory time for actual hours worked in excess of forty (40) hours per week at one and one-half (1 ½) times the compensation rate.
 - a. Overtime compensation shall be paid no later than the last working day of the month following the month in which overtime pay was earned.
 - b. A non-exempt employee who works overtime shall inform the agency regarding the method (overtime pay or compensatory time) in which they want to be compensated for overtime hours worked.
 - c. An agency shall honor the employee’s request except where budget or staffing requirements preclude the selected method.
 - d. A written record of the agreement shall be maintained.
- 8) A non-exempt employee’s overtime payment compensation rate is the employee’s regular rate of pay calculated in accordance with the Fair Labor Standards Act (FLSA), 29 CFR U.S.C.
 - a. The overtime compensation rate shall be computed using this calculated hourly rate of pay times one and one-half (1½) for actual hours worked over forty (40) hours per workweek.

- i. The following are included in the calculation of the employee's regular rate of pay:
 1. Employee's base rate or salary
 2. Salary increases including retroactive increases
 3. Special Duty adjustment
 4. Reclassification adjustments
 5. On-call pay
 6. Bonuses
 7. Shift differentials
 8. Hazardous duty pay, and
 9. Longevity pay.

Section 2. Compensatory Time

- 1) A non-exempt employee may receive compensatory time in lieu of pay. The compensatory time shall be computed for actual hours worked over forty (40) hours per workweek times one and one-half (1 ½) hours.
- 2) The maximum number of hours of compensatory time an employee can accrue shall be limited to two hundred forty (240).
- 3) Employees working in some broad categories may accrue up to 480 hours of compensatory time. The agency head or designee shall submit categories for potentially affected employees to A&I HRD for review and approval. Categories are:
 - a. Fire Fighting
 - b. Law Enforcement
 - c. Dispatchers of emergency vehicles or personnel
 - d. Rescue and ambulance service employees
 - e. Those performing seasonal activities
- 4) Requirements regarding the use of compensatory time:

- a. Compensatory time shall be used before taking any vacation leave; and
 - b. An employee, who earns compensatory time, shall be permitted by the agency head or designee to use such time within a reasonable period, as long as the time off does not unduly disrupt the operation of the agency; and
 - c. Agency directors may, at their discretion, pay off or require the use of compensatory time balances while considering the needs of the employee and the staffing requirements of the agency; and
 - d. Unused compensatory time shall be paid as follows:
 - i. Balances as of December 31 shall be paid on the next regularly scheduled pay period, or
 - ii. When an employee accepts a position in another agency, or
 - iii. When an employee moves from non-exempt to exempt within their agency, or
 - iv. Upon separation (Refer to the Compensation Upon Separation Section), or
 - v. Dates approved by A&I HRD.
- 5) The compensation rate for unused compensatory time shall be computed using the employee's regular rate of pay.
- 6) The agency shall record for each employee receiving compensatory time the number of hours of compensatory time earned, used or compensated in cash for each work period.

Section 3. Exempt Employees Determination

- 1) State employees exempt from overtime compensation include:
- a. elected officials;
 - b. members of an elected official's personal staff;
 - c. employees who serve in policy-making positions who have been appointed by an elected official;
 - d. employees who serve as advisors on the constitutional or legal powers of an elected official's office;
 - e. and employees who serve in executive, administrative, professional, computer work or highly compensated capacities who have met the duties and salary requirements specified by the U.S. Department of Labor Wage and Hour

Division. Requirements can be found at:
http://www.dol.gov/whd/regs/compliance/fairpay/fs17a_overview.pdf

- 2) A&I HRD shall periodically review the duties of the State's job classifications to determine consistency among and within agencies for exempt/non-exempt status.
 - a. A&I HRD shall provide appropriate information to state agencies for their review and validation.
 - b. A&I HRD shall, in consultation with agencies, assist in determining the proper exempt/non-exempt status of positions.
- 3) When permanent and substantial changes occur to the duties of a position an agency shall review the position for proper exempt/non-exempt status.
- 4) An agency shall ensure the state payroll system accurately reflects the exempt/non-exempt status of their employees.

Section 4. Official State Workweek

- 1) Each workweek shall begin at 12:01 A.M. Saturday, continue through for seven (7) consecutive days (168 hours) and shall end at 12:00 mid-night on Friday.
- 2) The agency head or designee shall submit written requests and justification for workweek exceptions to A&I HRD Administrator or designee for approval.
- 3) A&I HRD shall notify the Agency in writing if the request has been approved or denied.

Section 5. Workweek Standard

- 1) A workweek is a fixed and regularly recurring period of 168 hours – seven (7) consecutive twenty-four (24) hour periods.
- 2) Each workweek stands alone for purposes of hours worked.
- 3) There can be no averaging of two (2) or more workweeks.
- 4) There is no prohibition against work in excess of eight (8) hours per day without payment of overtime so long as the forty (40) hours per week maximum is not exceeded.

Section 6. Exceptions to the Workweek Standard

- 1) Those agencies primarily engaged in the care of the sick, aged, or mentally disabled may adopt, with the agreement of the employee, a workweek period of fourteen (14) consecutive days for purposes of computing overtime.
- 2) If adopted, the employee shall be paid at one and one-half times (1½) the compensation rate for all hours worked in excess of eight (8) in any workday or eighty (80) in a fourteen (14) consecutive day work period, whichever computes to the greatest number of overtime hours worked.
- 3) Those agencies primarily engaged in law enforcement or fire protection may establish a special overtime standard in accordance with the Fair Labor Standards Act:
 - a. Law Enforcement, including employees defined as Peace Officers pursuant to W.S. 7-2-101 through 7-2-103;
 - b. Fire Protection, including employees who are engaged in or concerned with the prevention, control and extinguishment of fires.
 - c. Security in correctional institutions including employees who have responsibility for controlling and maintaining custody of inmates or for supervising such functions.
- 4) The agency head or designee shall submit written requests for exceptions to A&I HRD.
- 5) Exceptions to workweek standards shall be approved by the Governor or his designee.
- 6) A&I HRD shall provide written notification to the State Auditor's Office and the agency head or designee of approved workweek exceptions prior to agency implementation of such standards.
- 7) The agency head or designee shall be responsible for notifying affected employees in writing of the change.

Section 7. Hours of Work

- 1) Hours worked is defined as all time the employee is required to be on duty or on the agency's premises or at a prescribed work place and all time that an employee is suffered or permitted to work for the State.
 - a. For example, an employee may volunteer to continue to work at the end of a shift for the purpose of completing an assigned task, correcting errors or preparing reports.

- 2) This time shall be counted as hours worked if management knows or has reason to believe that the employee is continuing to work.
- 3) This basic rule also applies to work performed away from the agency's premises or an approved alternative work schedule.
- 4) Agencies shall maintain traditional business hours, 8:00 a.m to 5:00 p.m. Monday through Friday, and be staffed appropriately to insure service to the public and other agencies at all times unless otherwise approved by A&I HRD.
- 5) Employees shall maintain a set work schedule.
 - a. Employees may request to change their schedules with prior written approval of the Agency.
- 6) Regularly scheduled workdays shall not exceed nine (9) hours a day without prior written approval of A&I HRD in accordance with Chapter 18 of the Personnel Rules.
 - a. With approval from the agency head or designee, an employee may work an alternative work schedule.

Section 8. Rest Periods (Breaks)

- 1) An employee may be allowed one fifteen minute rest period for each four-hour work period.
- 2) Rest periods should be scheduled with approval of the employee's supervisor to ensure adequate coverage of job functions.
- 3) Rest periods shall be counted towards hours worked.
- 4) Rest periods shall not be:
 - a. included in starting/ending workday periods, or
 - b. taken consecutively or included in the computation of meal periods, except when actively participating in an agency wellness program approved by the Governor.
- 5) Missed rest periods are forfeited.

Section 9. Meal Period

- 1) Meal periods shall be considered hours worked when a non-exempt employee performs any duties, whether active or inactive, while eating. It is not necessary that an employee be permitted to leave the premises if otherwise completely freed from duties during the meal period.
- 2) Meal periods should be scheduled with approval of the employee's supervisor to ensure adequate coverage of job functions.
- 3) Employees shall take at least a half hour meal period unless otherwise directed by their supervisor for a longer meal period.
- 4) Meal periods shall not be included in the computation of starting/ending workday periods.

Section 10. Special Activities

- 1) Non-exempt employees who attend training programs, lectures, meetings or similar activities that are required by management for continued employment and that are directly related to the employee's job, and are for the purposes of making an employee more efficient, shall count toward hours worked.
- 2) Attendance at lectures, meetings, training programs and similar activities outside normal hours, which is voluntary, not job related, and no other work is concurrently performed is not counted as work time.
- 3) Programs are not considered directly job-related if the programs are for purposes of preparing an employee for advancement or if an employee voluntarily attends such programs.

Section 11. Non-Exempt Employee Travel

- 1) Some non-exempt positions may require travel in the United States and abroad.
- 2) Employees in positions classified as non-exempt under the Fair Labor Standards Act are eligible for compensation for the time they spend traveling during normal work hours, including time spent as a passenger.
- 3) Compensable travel time is defined as travel required by the job.
 - a. Home to Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is NOT work time.

- b. Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.
 - c. Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.
- 4) When an employee travels between two or more time zones, the time zone associated with the point of departure shall be used to determine the number of hours worked.
 - 5) Employees are responsible for accurately tracking, calculating and reporting travel time on their time sheets in accordance with Agency policy.
 - 6) Meal periods, sleeping periods, and time spent on non-work related activities shall be deducted from all travel time.

Section 12. Sleeping Time

- 1) Sleeping time will be considered hours worked under the following conditions:
 - a. An employee who is required to be on duty for less than twenty-four (24) hours and is permitted to sleep or engage in other activities when not busy is considered working and such time shall be counted toward hours worked.
 - b. When an employee is required to be on duty for twenty-four (24) hours or more, the agency and the employee may agree to exclude bona fide regularly scheduled sleeping periods of not more than eight (8) hours, provided that sleeping facilities are furnished and the employee can usually enjoy an uninterrupted night's sleep.
 - c. No reduction is permitted unless at least 5 hours of sleep is taken.

CHAPTER 6 COMPENSATION UPON SEPARATION

Section 1. Vacation Leave

- 1) A separated employee or the beneficiary of a deceased employee shall receive payment for the current balance of unused vacation leave.
- 2) Such payments shall be computed using the employee's hourly compensation rate.

Section 2. Sick Leave

- 1) A separated employee or the beneficiary of a deceased employee shall receive payment for one-half (1/2) of the current balance of unused sick leave, not to exceed a total of four hundred eighty (480) hours.
- 2) Such payments shall be computed using the employee's hourly compensation rate.

Section 3. Longevity

- 1) A separated employee or the beneficiary of a deceased employee shall receive payment for longevity based on months of service for:
 - a. Monthly longevity – An employee shall be paid longevity pay for any part of the last month worked.
 - b. Vacation & Sick Leave longevity payout. An employee shall be paid longevity pay based on vacation and sick leave balances as described above.

Section 4. Compensatory Time

- 1) A separated employee or the beneficiary of a deceased employee shall receive payment for any unused compensatory time.
- 2) Non Exempt Employee - Such payment shall be computed using the average regular rate of pay over the employee's last three years of employment or the final regular rate, whichever is higher (29 C.F.R. 553.27B).

Section 5. Paid Time Off

- 1) A separated exempt employee or the beneficiary of a deceased exempt employee shall receive payment for any unused Paid Time Off. Such payment shall be computed using the exempt employees' hourly compensation rate.

Section 6. Restrictions

- 1) A separated employee who has been paid for accumulated vacation or sick leave and who is rehired within thirty-one (31) days of the separation shall reimburse the State for all sick or vacation leave payments within thirty-one (31) days after being rehired.
- 2) Accumulated balances of sick or vacation leave at the time of separation shall be restored to the employee.
- 3) Any employee failing to reimburse the State for such payments shall be terminated. (W.S. 9-2-1022).

Section 7. Other Accrued Leave

- 1) Upon separation of an employee, all other type of leave accrued but not used including but not limited to wellness, personal, and/or administrative shall be forfeited and shall not to be paid.