



CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL

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# Advisory Concerning Overtime Payments to Ineligible Employees

January 21, 2026

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A core function of the City of Chicago Office of Inspector General (OIG) is to make recommendations for the improved economy, efficiency, effectiveness, and integrity of City operations.<sup>1</sup> In November 2025, OIG advised the Departments of Human Resources (DHR) and Finance (DOF) that it had determined some City employees have received overtime pay to which they may not have been entitled. OIG's determination was based on the employees' Fair Labor Standards Act (FLSA) status, as determined by DHR.

The basic FLSA standard for overtime entitles certain workers to pay of "at least one and one-half times their regular rate of pay after 40 hours of work in a workweek."<sup>2</sup> Pursuant to FLSA and the collective bargaining agreements covering City employees, however, certain City employees are exempt from that standard and therefore not entitled to overtime pay. That is, FLSA-exempt employees whose labor unions have not negotiated overtime pay are ineligible for such pay.

OIG analyzed a DHR-provided list of City titles and their relevant FLSA statuses alongside relevant collective bargaining agreements and determined that, from 2020 through 2024, the City paid \$26.5 million in overtime to potentially ineligible employees.<sup>3</sup>

In its response to OIG's advisory, DHR and DOF acknowledged the need for "additional steps" to prevent overtime payments to ineligible employees. They identified corrective actions in pursuit of that goal and committed to collaborate with each other in order "to implement measures to ensure the City is not paying overtime to ineligible employees."

OIG advised DHR and DOF of its analysis in November 2025, in the hopes that findings might inform the City's 2026 Budget process. DHR and DOF requested time extensions for their responses, which OIG granted. OIG appreciates DHR and DOF's responses and commitments to corrective actions.

OIG's letter to the departments is attached at Appendix A, DHR's response is attached at Appendix B, and DOF's responses is attached at Appendix C.

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<sup>1</sup> MCC § 2-56-030(c)

<sup>2</sup> Wage and Hour Division of U.S. Department of Labor, "Handy Reference Guide to the Fair Labor Standards Act," 1, accessed January 15, 2026, <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh1282.pdf>.

<sup>3</sup> Within the letter to DHR and DOF, OIG identified limitations that might impact OIG's—and the City's—ability to determine whether overtime is being paid appropriately. One limitation involved overtime that is appropriately paid on the "first paycheck" after a City employee transitions from a non-exempt status (eligible for overtime pay) to an exempt status (ineligible). OIG could not identify such situations in DHR's data, but determined that the inclusion of these situations in its analysis would have an "immaterial impact on its conclusions" and explained this determination in footnote 11 of its letter, noting that at most "the impact would be \$937,155." DHR disagreed that it would be immaterial and provided three examples. Those examples, however, were not limited to the situation OIG described—namely, individuals who may have been appropriately paid overtime in their "first paychecks" after transitioning.



Deborah Witzburg | Inspector General  
City of Chicago  
Office of Inspector General  
231 S. LaSalle Street, 12th Floor  
Chicago, IL 60604  
Phone: (773) 478-7799

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## Via Electronic Mail

November 12, 2025

Sandra Blakemore  
Commissioner  
Department of Human Resources  
121 North LaSalle Street, Room 1100  
Chicago, Illinois 60602

Michael Belsky  
City Comptroller  
Department of Finance  
121 North LaSalle Street, 7<sup>th</sup> Floor  
Chicago, Illinois 60602

Dear Commissioner Blakemore and Comptroller Belsky:

The Office of Inspector General (OIG) writes to bring to your attention certain concerns regarding overtime pay to certain City of Chicago employees. Specifically, OIG has determined that some City employees have received overtime pay to which they may not have been entitled. OIG's determination is based on the employees' Fair Labor Standards Act (FLSA) status, as set by the Department of Human Resources (DHR).

FLSA establishes "minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in federal, state, and local governments."<sup>1</sup> The Wage and Hour Division of the United States Department of Labor enforces FLSA for many entities, including local governments such as Chicago. This advisory focuses on the FLSA standards related to overtime pay.

## I | Background

Under FLSA, the basic standard entitles workers to overtime pay of "at least one and one-half times their regular rate of pay after 40 hours of work in a workweek."<sup>2</sup> FLSA allows for some exemptions from the overtime standards, however — certain employees who work more than 40 hours in a

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<sup>1</sup> United States Department of Labor, "Wages and the Fair Labor Standards Act," accessed July 16, 2025, <https://www.dol.gov/agencies/whd/flsa>.

<sup>2</sup> Wage and Hour Division of U.S. Department of Labor, "Handy Reference Guide to the Fair Labor Standards Act," 1, accessed July 16, 2025, <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh1282.pdf>.

workweek are ineligible for overtime pay. As relevant to the City positions, FLSA provides such overtime pay exemptions for certain “executive, administrative, and professional employees.”<sup>3</sup>

Although some employees may be ineligible for overtime pay under FLSA, they may be eligible based on collective bargaining agreements (CBA) between the City and various trade or labor unions.

## A | FLSA-Exempt Status

The U.S. Department of Labor provides tests to determine whether a particular employee qualifies for an executive, administrative, or professional exemption from FLSA’s overtime standards. As described in U.S. Department of Labor guidance, these tests apply to individual employees rather than job titles. To qualify for an exemption, employees must meet the tests noted in Figure 1.

**Figure 1: The U.S. Department of Labor provides tests to determine an employee’s FLSA exempt status.**

Executive Exemption	Administrative Exemption	Professional Exemption
<ul style="list-style-type: none"> <li>•Must be compensated on a salary basis at a rate not less than \$684 per week;</li> <li>•Primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;</li> <li>•Must customarily and regularly direct the work of two or more other full-time employees or their equivalent; and</li> <li>•Must have authority to hire or fire other employees, or their suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.</li> </ul>	<ul style="list-style-type: none"> <li>•Must be compensated on a salary or fee basis at a rate not less than \$684 per week;</li> <li>•Primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers; and</li> <li>•Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.</li> </ul>	<ul style="list-style-type: none"> <li>•Must be compensated on a salary or fee basis at a rate not less than \$684 per week;</li> <li>•Primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;</li> <li>•Advanced knowledge must be in a field of science or learning; and</li> <li>•Advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.</li> </ul>

Source: U.S. Department of Labor, “Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act.”<sup>4</sup>

<sup>3</sup> Wage and Hour Division of U.S. Department of Labor, “Handy Reference Guide to the Fair Labor Standards Act,” 5, accessed July 16, 2025, <https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/wh1282.pdf>.

<sup>4</sup> U.S. Department of Labor, “Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act,” September 2019, accessed September 29, 2025, <https://www.dol.gov/agencies/whd/fact-sheets/17a-overtime>.

According to the City of Chicago Personnel Rules:

**Class of Positions, or Class** - A Class of Positions is a category of Position(s), each of which is sufficiently similar in respect to duties and responsibilities such that the same title may be used to designate each Position in the group, the same salary range may be equitably applied, the same qualifications required, and the same examination used to select qualified employees. **A Class of Positions is equivalent to a job title.**<sup>5</sup> (Emphasis added.)

Therefore, by ensuring that each position within a job title has the same required qualifications, the same selection examinations (if applicable), and similar duties and responsibilities, the City of Chicago Personnel Rules largely enable the application of the exemption test at the job title level. DHR confirmed this understanding in a September 18, 2025, discussion of FLSA statuses with OIG.

In November 2024, DHR provided to OIG a list of all City titles and their FLSA statuses. The list identified 1,162 titles citywide including,

- 617 FLSA-exempt;
- 507 non-exempt;
- 31 “not covered;” and
- 7 with no status indicated.

DHR explained that the 31 titles with a status of “not covered” included elected officials, Shakman Exempt positions, and volunteer positions, and stated that these individuals would also be considered FLSA-exempt.<sup>6</sup> FLSA-exempt positions are not eligible for overtime pay, unless they belong to a trade or labor union which has negotiated such pay through a CBA with the City.

## B | Collective Bargaining Agreements

Of 15 CBAs available on the City of Chicago Department of Law’s website and related to the FLSA-exempt titles,

- 2 allow FLSA-exempt employees to earn overtime on any day;
- 2 allow FLSA-exempt employees to earn overtime on Saturdays and Sundays; and
- 11 do not allow FLSA-exempt employees to earn overtime.

<sup>5</sup> The current 2025 personnel rules and the previous 2014 personnel rules have the same definition. City of Chicago Department of Human Resources, “City of Chicago Personnel Rules,” August 1, 2025, 4, accessed September 26, 2025, [https://www.chicago.gov/content/dam/city/depts/dhr/supp\\_info/POLICIES/2025-08-01\\_PERSONNEL\\_RULES\\_FINAL.pdf](https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/POLICIES/2025-08-01_PERSONNEL_RULES_FINAL.pdf). City of Chicago Department of Human Resources, “City of Chicago Personnel Rules,” September 10, 2014, 4, accessed September 26, 2025, [https://www.chicago.gov/content/dam/city/depts/dhr/supp\\_info/HRpolicies/2014\\_PERSONNEL\\_RULES-FINAL\\_2014\\_v3.pdf](https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/HRpolicies/2014_PERSONNEL_RULES-FINAL_2014_v3.pdf).

<sup>6</sup> In 1972, a federal court approved and issued the first of three consent decrees to eliminate improper political patronage in the City’s employment practices. Certain positions—ones that involve policy making or are confidential in such a manner that political affiliation is an appropriate consideration for the effective performance of the job—are exempt from certain resulting rules and are designated as “Shakman Exempt.” City of Chicago, “City of Chicago Employment Plan,” accessed October 22, 2025, [https://www.chicago.gov/content/dam/city/depts/dhr/supp\\_info/ShakmanSettlement/General%20Employment%20Plan%20Revisions%20-%20FINAL%208-25-22.pdf](https://www.chicago.gov/content/dam/city/depts/dhr/supp_info/ShakmanSettlement/General%20Employment%20Plan%20Revisions%20-%20FINAL%208-25-22.pdf).



**Figure 1: Two Collective Bargaining Agreements Allow FLSA-Exempt Employees to Receive Overtime Any Day of the Week and Two Allow Overtime Only on Saturdays and Sundays**

Eligible for Overtime	Eligible for Weekend Overtime
<ul style="list-style-type: none"> <li>Chicago Fire Fighters Union, Local No. 2, and International Association of Firefighters, AFL-CIO-CLC</li> <li>International Brotherhood of Teamsters Local Union No. 700 (Supervising Police Communication Operators)</li> </ul>	<ul style="list-style-type: none"> <li>Mid-America Carpenters Regional Council</li> <li>Chicago Journeyman Plumbers' Local Union 130, U.A.</li> </ul>
Ineligible for Overtime	
<ul style="list-style-type: none"> <li>American Federation of State, County, and Municipal Employees Council 31</li> <li>Mid-America Carpenters Regional Council Inspectors Local No. 13</li> <li>Cement Masons' Union Local No. 502</li> <li>International Brotherhood of Electrical Workers, Local Union No. 9, AFL-CIO</li> <li>International Brotherhood of Electrical Workers, Local Union No. 134, AFL-CIO</li> <li>International Union of Operating Engineers Local 399</li> </ul>	<ul style="list-style-type: none"> <li>International Association of Machinists and Aerospace Workers, Local No. 126</li> <li>Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers Local Lodge 1</li> <li>International Union of Operating Engineers (Heavy Equipment) Local No. 150</li> <li>Locals 1001 and 1092 of the Laborers International Union of North America</li> <li>Sign and Pictorial Painters Union Local 830</li> </ul>

Source: City of Chicago Department of Law, "City of Chicago Collective Bargaining Agreements," [https://www.chicago.gov/city/en/depts/dol/supp\\_info/city\\_of\\_chicago\\_collectivebargainingagreements.html](https://www.chicago.gov/city/en/depts/dol/supp_info/city_of_chicago_collectivebargainingagreements.html).

## C | Ineligible Employees

An employee's eligibility for overtime pay is based on both their FLSA status and the relevant CBA, if any. For the purposes of this advisory, the term "ineligible employees" refers to employees who are ineligible to earn overtime pay because they are both a) exempt from FLSA and b) not covered by a CBA which allows for overtime pay for their position.

## II | Analysis

Based on the DHR-provided list of FLSA statuses and relevant CBAs, OIG identified,

- 642 City titles exempt from earning any overtime pay (611 exempt and 31 "not covered"); and
- 4 City titles exempt from earning overtime pay during the workweek, but eligible to earn overtime pay on the weekends.

Through its analysis, research, and discussions with DHR, OIG identified some limitations that impact OIG's—and the City's—ability to determine whether overtime is being paid appropriately:

- Transitions from Non-Exempt to Exempt Status:** When an employee transfers from a non-exempt status (eligible for overtime pay) to an exempt status (ineligible), the first paycheck they receive in their new position may appropriately reflect overtime pay earned while they were in non-exempt status. For example, OIG hired an employee that previously worked at the Chicago Police Department. That employee earned \$87 of overtime while a CPD employee which was reflected on the first paycheck they received after becoming an OIG

employee.<sup>7</sup> While OIG could identify this situation among its own employees, it did not have direct knowledge of any such situations in other departments. Thus, the results of OIG's analysis of overtime to potentially ineligible employees may include such examples, but OIG determines that inclusion to have an immaterial impact on its conclusions about the amount of overtime paid to potentially ineligible employees.

- Guidance Contrary to FLSA Status:** Departments may have received guidance from DHR about overtime that contradicted an employee's FLSA status. For instance, the list of positions received from DHR indicates that staff assistants are FLSA-exempt, and thus ineligible for overtime. However, based on guidance from DHR, between February 2020 and May 2022, OIG paid \$2,470 of overtime to a staff assistant. OIG has documentary evidence in the form of emails in which OIG requested DHR's confirmation of the FLSA statuses of OIG employees. DHR confirmed the staff assistant position as non-exempt (and, thus eligible for overtime pay) in July 2022.<sup>8</sup> OIG has no basis for awareness of any other situations where a department received DHR guidance contrary to an employee's FLSA status and, thus, could not identify such situations in our analysis.
- Departmental Adjustments of FLSA Status:** As described above, the City's Personnel Rules explain that job titles apply to positions "each of which is sufficiently similar in respect to duties and responsibilities," are in the same salary range, have the same required qualifications, and, if applicable, the same examinations to select employees. However, DHR stated that departments have the ability to update the FLSA status of an employee when they move from one position to another, but may forget to do so. Therefore, department-level FLSA statuses may differ from the DHR-classified statuses provided to OIG.<sup>9</sup> OIG identified 137 titles where some employees had one status, but other employees had another. This resulted in the City paying employees with the same job title differently. If the DHR-classified FLSA statuses are correct, then either the City is paying overtime to employees who are *not* eligible or the City is not paying overtime to employees who *are* eligible.
- Weekend Overtime:** As noted in Figure 1, some employees are eligible to earn overtime pay for work performed on Saturdays and Sundays. The data available to OIG is at the pay period level and does not indicate days of the week. While OIG could determine that the City paid 38 employees covered by CBAs that provide for overtime pay for work performed on the weekend a total of \$1,073,137 in the five-year period reviewed, it could not determine whether the actual overtime occurred during the week or on a weekend. Thus, OIG did not include these 38 employees or their related overtime in any further analysis.
- Ambiguous Pay Codes:** The City's payroll data denoting various types of overtime uses a variety of pay codes. For instance, the pay code "OT 1\_5" indicates that overtime was paid at "time-and-a-half" or 150% of the regular pay rate. Other payroll codes denote "OT" in the codes themselves, but are less clear about the basis for or type of overtime. OIG identified

<sup>7</sup> The amount in overtime paid by OIG, noted in Figure 3, includes the \$87 in overtime paid in this situation.

<sup>8</sup> OIG also has emails from 2013 in which DHR confirmed the status of staff assistants to be non-exempt.

<sup>9</sup> OIG identified three fields in the City's personnel and payroll systems related to FLSA status. It conducted its analysis on the statuses provided by DHR.

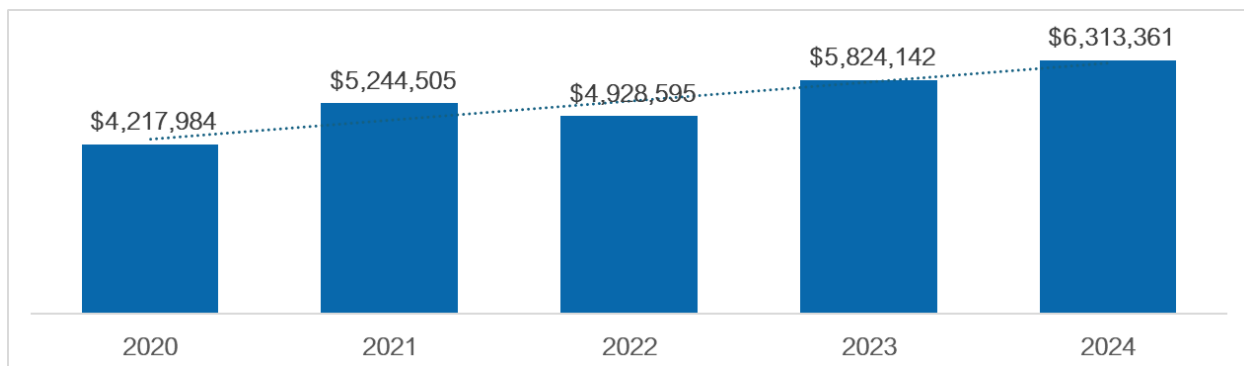
several codes that include “OT,” but was unable to confirm whether all are actually related to overtime. OIG asked DOF to define each code and/or describe the situations in which they are used.<sup>10</sup> The following are the payroll codes that OIG identified as having “OT” as part of their names:

- DEC OT 1\_5
- DEC OT FLSA
- DEC SPRVSR QRT OT
- OT 1\_0
- OT 1\_5
- OT 1\_5 REIMB
- OT 2\_0
- OT 2\_0 REIMB
- OT 2\_5
- OT 2\_5 REIMB
- OT FLSA
- SUPERVISORS QUARTERLY OT

## A | The City Paid \$26.5 Million in Overtime to Potentially Ineligible Employees from 2020 through 2024.

OIG’s analysis suggests that, from January 1, 2020, to December 31, 2024, the City of Chicago paid 1,072 employees \$26,528,587 overtime pay to which they may not have been entitled.<sup>11</sup> Furthermore, the overtime amount paid to potentially ineligible employees increased annually from 2022 to 2023, as shown in Figure 2. OIG’s analysis was based on the DHR-classified FLSA statuses and the terms of the relevant CBAs.<sup>12</sup>

**Figure 2: Overtime Paid to Potentially Ineligible Employees has Generally Increased from 2020 to 2024.**



Source: OIG analysis of City payroll data.

<sup>10</sup> As of the date of this letter, DOF had not provided the requested definitions or descriptions.

<sup>11</sup> OIG provided the underlying data supporting its analysis to DOF and DHR on the same date as this letter. The \$26.5 million of overtime paid to potentially ineligible employees may include, as noted above, overtime received by employees who transferred from a non-exempt status to an exempt status on their first paycheck. OIG does not have direct knowledge of such situations in other departments but, with the data available, could determine that, conservatively, if every employee transferred from a non-exempt to an exempt position, and every first overtime payment to each of those employees resulted from this transfer, the impact would be \$937,155.

<sup>12</sup> As noted above, due to data limitations, OIG did not analyze overtime paid to those eligible for overtime on Saturdays and Sundays. Thus, the amount reported does not include such payments. OIG identified 28 assistant district superintendents, 7 general foreman of general trades, 2 chief plumbing inspectors, and 2 supervising house drain inspectors to whom the City collectively paid \$1,073,137 in overtime from January 12, 2020, to December 31, 2024. OIG makes no determination as to the appropriateness of such payments to these employees.



The City paid overtime to potentially ineligible employees in 24 departments, the Board of Elections, the Office of the City Clerk, and City Council. Five of the City departments account for \$20,816,309, or 78.5%, of overtime paid to potentially ineligible employees.

**Figure 3: Five City Departments Account for nearly 80% of Overtime Payments to Potentially Ineligible Employees**

Department	# of Employees	Overtime Paid	Percent
Chicago Fire Department (CFD)	72	\$6,906,742	26.0%
Office of Emergency Management and Communications (OEMC)	53	4,837,904	18.2%
Department of Water Management (DWM)	69	4,399,348	16.6%
Chicago Police Department	184	2,691,229	10.1%
Chicago Public Library	308	1,981,086	7.5%
Chicago Department of Public Health	141	1,654,310	6.2%
Chicago Department of Aviation (CDA)	38	1,339,537	5.0%
Chicago Department of Transportation	41	1,089,757	4.1%
Department of Streets and Sanitation	19	652,948	2.5%
Office of Public Safety Administration	26	250,760	0.9%
Chicago Board of Election Commissioners <sup>13</sup>	7	198,213	0.7%
Department of Buildings	17	184,452	0.7%
Department of Fleet and Facility Management	12	75,011	0.3%
Mayor's Office for People with Disabilities	3	59,082	0.2%
Department of Finance	24	57,267	0.2%
Chicago Animal Care and Control	4	53,696	0.2%
Department of Family and Support Services	30	49,088	0.2%
Office of City Clerk	3	22,025	0.1%
Civilian Office of Police Accountability	12	14,813	0.1%
Department of Procurement Services	3	3,510	<0.1%
Office of Inspector General	2	2,557	<0.1%
Department of Business Affairs and Consumer Protection	3	2,449	<0.1%
Department of Administrative Hearings	4	1,495	<0.1%
Department of Human Resources	1	454	<0.1%
Department of Planning and Development	1	422	<0.1%
Chicago Commission on Human Relations	2	263	<0.1%
City Council	1	169	<0.1%
<b>TOTAL</b>	<b>1,072<sup>14</sup></b>	<b>\$26,528,587</b>	<b>100.0%</b>

Source: OIG analysis of City payroll data.

<sup>13</sup> The Chicago Board of Election Commissioners (CBOEC) receives funding from both the City of Chicago and Cook County. The Illinois Election Code states that most of CBOEC's expenses are the City's responsibility. The County pays for the salaries of three of CBOEC's commissioners and executive director. The City pays for all other payroll expenses. The City processes CBOEC payroll through the City's regular payroll system.

<sup>14</sup> The total represents 1,072 unique individuals. It does not represent the sum of the "# of Employees" column because some individuals moved from one department to another and, therefore, are reflected in both departments. The amount of overtime paid for these individuals, however, is split between the departments.


OIG identified 18 individual employees who were each paid between \$250,000 and \$700,000 in overtime to which they may not have been entitled during the five year period of analysis. Payments to those 18 individuals accounted for 24.6% of the overtime paid to potentially ineligible employees. The amount paid to each of these 18 employees is shown in Figure 4.

**Figure 4: Eighteen Employees Each Received More Than \$250,000 of Overtime Pay, Accounting for Nearly 25% of Overtime Paid to Potentially Ineligible Employees.**

Current Title	Current Department	Overtime Paid
Deputy District Chief	CFD	\$ 687,253
Deputy District Chief	CFD	595,669
Deputy District Chief	CFD	593,419
Coordinating Fire Communications Operator	OEMC	379,513
Chief Operating Engineer	DWM	376,844
Chief Operating Engineer	DWM	354,774
Battalion Chief – Emergency Medical T[finish] (EMT)	CFD	353,365
Battalion Chief	CFD	339,722
Chief Operating Engineer	DWM	319,983
Filtration Engineer IV	DWM	312,098
Battalion Chief - EMT	CFD	300,189
Assistant Chief Airport Operations Supervisor	CDA	289,493
Supervising Fire Communications Operator	OEMC	285,888
Battalion Chief - EMT	CFD	273,241
Manager of Emergency Management Services	OEMC	270,797
Deputy District Chief	CFD	266,872
Supervising Fire Communications Operator	OEMC	259,996
Battalion Chief - EMT	CFD	258,663
<b>TOTAL</b>		<b>\$6,517,778</b>

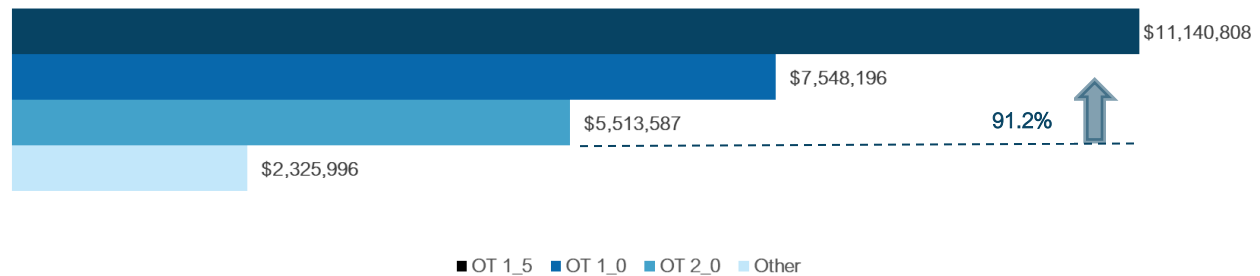
Source: OIG analysis of City payroll data.

24.5% of total overtime  
paid to ineligible employees



As noted earlier, OIG included 12 types of overtime in its analysis, but was awaiting definitions from DOF regarding each type. The most straightforward types of overtime, as described by the titles of the overtime types, are those paid at the employee's pay rate, 1.5 times the pay rate, or twice the employee's pay rate. During the period of analysis, \$24,202,590, or 91.2%, of the potential improper overtime pay was paid under three specific codes tied to the employee's pay rate, 1.5 times the employee's pay rate, or twice the employee's pay rate, as shown in figure 5.

**Figure 5: Over 90% of Overtime Paid to Potentially Ineligible Employees was Paid with Codes Related to the Employee's Regular Pay Rate, 1.5 Times Their Pay Rate, or Twice Their Pay Rate.**



Source: OIG analysis of City payroll data.

## B | History

In 2010, DHR recognized that the practice of assigning FLSA statuses to individual employees had resulted in inconsistencies, including the assignment of different FLSA statuses to employees with the same job titles. In 2013, OIG attempted to audit the City's overtime payments for compliance with FLSA. OIG could not proceed, however, because the City had not yet determined whether each position was covered by or exempt from FLSA's overtime requirements. Instead, OIG sent an advisory to the Mayor's Office concerning the City's FLSA classification of employees.<sup>15</sup>

Within that advisory, OIG concluded that the City's continuing failure to assign and monitor FLSA classifications of statuses for all its employees unnecessarily exposes it to significant legal and financial risks.

In response to OIG's advisory, DHR stated at the time that its "Classification and Compensation Division has assumed ownership over the FLSA classification process and has instituted ongoing procedures for assigning and monitoring FLSA classifications to new and existing positions. We are working with outside counsel on FLSA training for employees in DHR, the Department of Law, the Office of Budget and Management, and the Department of Finance. The training is tentatively scheduled for November [2013]. Finally, we will be working on a City-wide policy to assist in maintaining compliance with FLSA. Additional training will be provided once the policy is finalized."

In the course of conducting the present-day analysis described herein, OIG met with DHR in September 2025. DHR acknowledged the longstanding issue of FLSA status discrepancies and reported that, while there had been many past discussions of ensuring that FLSA statuses were consistent within job titles, no solution had been implemented.

## III | Suggestions

OIG suggests that DHR develop and implement policies and procedures to limit overtime pay to employees eligible for such pay. Because eligibility is largely dependent on whether an employee's

<sup>15</sup> City of Chicago Office of Inspector General, "Advisory Concerning the Classification of Employees Under the Fair Labor Standards Act," June 7, 2013, accessed November 12, 2025, [https://igchicago.org/wp-content/uploads/2025/09/IGO-Advisory\\_FLSA.pdf](https://igchicago.org/wp-content/uploads/2025/09/IGO-Advisory_FLSA.pdf).


job is FLSA-exempt or not, DHR should include policies and procedures which ensure the ongoing accuracy of FLSA statuses of all City positions. In such policies, DHR should clearly lay out whether and when department-level FLSA-statuses may differ from the DHR classification of such statuses.

## IV | Conclusion

Twelve years after first bringing this issue to DHR's attention, OIG concludes that the City continues to pay overtime to potentially ineligible employees. While as discussed above there are certain limitations to a comprehensive analysis of whether City employees are being appropriately classified by eligibility to earn overtime, OIG's analysis suggests that significant overtime payments have been made to employees who, according to relevant CBAs and DHR's classification of FLSA statuses, are ineligible for overtime pay.

OIG invites DHR and DOF to respond in writing before December 15, 2025. Any such response will be made public together with this advisory.

Respectfully,



Deborah Witzburg  
Inspector General  
City of Chicago

cc: Annette Guzman, Budget Director, Office of Budget and Management

## Appendix B | DHR's Response



January 15, 2026

Deborah Witzburg  
Inspector General  
Office of the Inspector General  
231 S. LaSalle Street, 12<sup>th</sup> Floor  
Chicago, Illinois 60604

Re: *FLSA-Exempt Overtime Advisory*

Inspector General Witzburg:

The Department of Human Resources (DHR) is in receipt of your letter dated November 12, 2025, regarding FLSA Exempt status overtime. In its letter, the Office of the Inspector General (OIG) indicated that the City may have paid overtime to ineligible employees. OIG recommended that DHR develop and implement policies and procedures to limit overtime pay to employees eligible for such pay. DHR has worked with the Department of Finance (DOF) to review the OIG's findings and develop responsive measures. DOF will also provide a response to the OIG's report.

### *History and Subsequent Steps Taken by DHR*

OIG's letter provides some historical background on when the FLSA Exempt status overtime issue first arose. DHR has taken numerous steps to address some of the issues, including:

- DHR's Classification and Compensation Division (Class & Comp) conducts detailed job analysis audits to confirm City positions are allocated to the appropriate class title. Class & Comp utilizes the job analysis conducted as well as the Economic Resource Institute (ERI) FLSA Assessor's platform to perform FLSA tests and analysis, which determines exemption status for audited positions.
- FLSA random analysis audits are conducted by Class & Comp for vacancies reviewed through the Hiring Manager Consultation process. In 2025, these audits were regularly conducted in the first part of the year, and they will commence again in 2026.
- FLSA designations are communicated by Class & Comp to DHR's Information Technology Division via a Schedule A Maintenance Form, which is transferred into the Chicago Integrated Personnel and Payroll system (CHIPPS).
- Class & Comp also receives regular education and training on FLSA standards by:

- receiving quarterly updates from the Business and Learning Resources (BLR) FLSA Handbook for States, Local Government and Schools as well as ERI updates; and
- professional membership in the Chicago Compensation Association, WorldatWork, and SHRM (human resources and total rewards organizations that provide FLSA resources and updates).
- DHR's Labor Relations Division notes the FLSA designation when issuing Implementation Memorandums as classes of titles are incorporated into bargaining units. These memos are sent to the relevant union and the operating department's HR Deputy Commissioner. The department also shares the memo with its timekeepers.
- Since at least 2019, DHR's Information Services Division has placed a "lock" on CHIPPS for the FLSA field. This prevents FLSA statuses from being changed by operating departments.

### *OIG's Analysis*

In its letter, OIG highlights limitations to its analysis of whether employees are being paid overtime appropriately. As noted, some employees were in an overtime-eligible position during part of the audit period (January 2020 through December 2024) and then transitioned into a position that was not eligible. OIG states that inclusion of these employees has an "immaterial impact on its conclusions about the amount of overtime paid to potentially ineligible employees."

One prominent transition example is a former high-ranking employee at the Office of Emergency Management & Communications (OEMC). The dataset relied on by OIG reflects that this former high-ranking OEMC employee received quarterly overtime in 2020 and 2021. However, this employee retired from the Chicago Police Department (CPD) in late 2021 and started working for OEMC in 2023 in an FLSA Exempt position. Further, they were in a FLSA non-exempt position while at CPD in 2020 and 2021.

Another example includes an Assistant Commissioner at the Chicago Department of Public Health. The dataset lists them earning overtime at various times between 2020 and 2022 while in the FLSA Exempt Assistant Commissioner role. DHR records reflect that this employee was in an FLSA non-exempt position from 2018 until early 2023. Thus, the dataset might reflect non-eligible titles throughout the entire audit period when, in reality, employees were in previous eligible titles for a portion of it. This type of scenario could occur in any department.

Another prominent transition example includes a high-ranking CPD employee, who started in their role in late 2023. In this title, they would not be eligible for overtime, yet the dataset reveals they received supervisors' quarterly overtime twice in 2024. The reason for this overtime payout while in a FLSA exempt position is likely due to work done while in an eligible overtime position. The City and CPD also refer to this as compensatory time, which is not paid when the work is actually carried out.

Examples like this second scenario may be prevalent in CPD due to the compensatory time payout structure. OIG notes CPD may have had 184 ineligible employees receiving overtime (the second-highest total number of employees). Further, CPD is the fourth department with the highest overtime. See Figure 3 in OIG's letter. Thus, DHR disagrees that employees who transitioned



positions to FLSA Exempt positions have an “immaterial impact” on the amount of overtime paid to potentially ineligible employees.<sup>1</sup>


OIG also noted DHR’s statement that FLSA status may be altered at the departmental-level. DHR cannot lock the FLSA field on the payroll system as it is not maintained and operated by DHR. Further, DOF has system constraints preventing them from doing so. Thus, operating departments’ actions or inactions may lead to ineligible employees receiving overtime. As noted below, DHR will work with departments to implement safeguards and advocate for departments to issue discipline when unauthorized changes are made.

*Potential Steps to Safeguard Against Overtime for Ineligible Employees*

DHR has identified the following potential additional steps and will continue to work with DOF to implement measures to ensure the City is not paying overtime to ineligible employees:

- Regularly audit its records to ensure the proper FLSA status is applied and ensure consistency within the same title code;
- Immediately communicate with the relevant departments of any changes made as a result of said audits and require the departments to provide written confirmation that their records mirror those of DHR;
- Work with the Department of Technology and Innovation to automate FLSA statuses for the same titles in DHR’s current system;
- DHR’s Training and Development Division can work with Class & Comp and DOF to create training around the payroll system and FLSA statuses for operating departments;
- DHR will continue to work to ensure that the new Enterprise Resources Management system will incorporate the capability to centralize data, ensuring consistency and accuracy;
- Partner with DOF to develop guidance memos for operating departments as it relates to overtime and FLSA statuses; and
- Partner with DOF to meet with the top 12 departments identified in Figure 3 of OIG’s letter.<sup>2</sup>

Very truly yours,

  
Sandra Blakemore  
Commissioner  
Department of Human Resources

cc: Michael Belsky, City Comptroller, Department of Finance  
Alexis Long, Managing Deputy Comptroller, Department of Finance

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<sup>1</sup> DHR acknowledges that OIG may have reached its “immaterial impact” conclusion based solely on similar situations to the transition fact pattern described in their letter.

<sup>2</sup> Excluding the Chicago Board of Election Commissioners.



CITY OF CHICAGO



DEPARTMENT OF FINANCE

Via Electronic Mail

January 15, 2026

Deborah Witzburg  
Inspector General  
City of Chicago  
231 S. LaSalle Street, 12<sup>th</sup> Floor  
Chicago, IL 60604

RE: *FLSA-Exempt Overtime Advisory*

Dear Inspector General Witzburg:

The Department of Finance (DOF) is in receipt of your letter dated November 12, 2025, regarding overtime pay for certain employees. In the advisory letter, the Office of the Inspector General (OIG) determined that some City employees have received overtime pay to which they may not have been entitled based on the employees' Fair Labor Standards Act (FLSA) status, as set by the Department of Human Resources (DHR). OIG recommended that DHR develop and implement policies and procedures to limit overtime pay to employees eligible for such pay, and invited DHR and DOF to respond in writing. DOF has worked with DHR to review OIG's findings and develop responsive measures. DHR will also provide a response to OIG's report.

As noted by OIG, an employee's eligibility for overtime is based on both their FLSA status and relevant collective bargaining agreements. Although an employee's FLSA status is set by DHR, such status may be altered at the department-level. The City's payroll system, Chicago Automated Time and Attendance (CATA), allows department timekeepers to update FLSA and overtime eligibility fields when an employee changes positions. Due to the age of CATA and programming limitations, DOF is unable to hide or lock functionalities that permit departments to select an employee's FLSA status or overtime eligibility. Additionally, locking the functionalities may cause issues with properly paying employees when they transfer to new positions where their FLSA status changes.

In collaboration with DHR, DOF has identified the following potential next steps and will continue to work with DHR to implement measures to ensure that the City does not pay overtime to ineligible employees:

- Regularly audit CATA for changes in selections to FLSA statuses and overtime eligibility and communicate changes to operating departments to confirm proper selections;
- Partner with DHR to create training related to CATA and FLSA statuses for operating departments;
- Partner with DHR to meet with the top 12 departments identified by OIG as accounting for the most overtime payments; and
- Provide any necessary support to DHR in the development of guidance memos for operating departments as it relates to overtime and FLSA statuses.

Finally, DOF has attached a list of payroll codes as requested by OIG.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Belsky".

Michael Belsky  
Comptroller  
Department of Finance

CC:

Sandra Blakemore, Commissioner, Department of Human Resources

Kathleen Doyle, First Deputy Commissioner, Department of Human Resources

## **GUIDE FOR USING CATA CODES [Listed in Alphabetical Order]**

**Effective Date: 9/1/2016 | Last Updated: 10/4/2016**

**For implementation and policy questions, email [TimeandAttendance@cityofchicago.org](mailto:TimeandAttendance@cityofchicago.org)**

**For processing payroll questions, email [CATA-Help-Desk@cityofchicago.org](mailto:CATA-Help-Desk@cityofchicago.org)**

### **Administrative Absence (AA)**

Administrative Absence is an absence from work with pay for an employee who is asked NOT to work (with reason) by the authority of the Department Head. Such absences are normally related to disciplinary matters and/or situations where an employee is under investigation. AA leave MUST be requested on the 'Request for Paid Administrative Leave of Absence' form and pre-approved by both the Budget Director and the Chief of Staff in the Mayor's Office. If approval is granted, the case will be assigned a CATA Approval Code which must be entered into the comments section of CATA for each use of AA. [Send the completed request form to: [ALAA-Requests@cityofchicago.org](mailto:ALAA-Requests@cityofchicago.org)]

### **Administrative Leave (AL)**

Administrative Leave is an absence from work with pay for a salaried administrative or professional employee, when such leave is granted within the discretion of the Department Head. Eligible employees include the following: a) those in positions Grade BX|12 or higher; b) those in positions Grade GY|4 or higher; c) those in positions that have Special Rates; and d) those not covered by a collective bargaining agreement. AL leave MUST be requested on the 'Request for Paid Administrative Leave of Absence' form and pre-approved by both the Budget Director and the Chief of Staff in the Mayor's Office. If approval is granted, the case will be assigned a CATA Approval Code which must be entered into the comments section of CATA for each use of AL. [Send the completed request form to: [ALAA-Requests@cityofchicago.org](mailto:ALAA-Requests@cityofchicago.org)]

### **Absent-No Call (AW)**

Absent-No Call should be used whenever an employee does not show up for their scheduled work shift and when no communication has been made with the supervisor prior to the absent employee's start time. This code can be used for both salaried and non-salaried employees. AW is only to be used in full day increments. This code will dock pay.

### **Absent-Unexcused (AU)**

If an employee is absent from work, the employee properly notified their supervisor, but the reason is insufficient or the request was denied, the Absent-Unexcused (AU) code should be used. Use of vacation, sick, personal, or compensatory time should NOT be permitted if employees are absent from work without a valid reason. This code should not be used to extend an employee's leave time. AU is only to be used in full day increments. This code will dock pay.

Employee benefits may be terminated if an employee is in a No Pay status for more than six (6) consecutive days. The employee should call the Benefit's Service Center at 1-877-299-5111 with questions related to their benefits coverage.



### **Absent-Excused (AE)**

If an employee is absent from work due to an infrequent unplanned/emergency situation that has been appropriately communicated with their supervisor, the supervisor may excuse the absence if the circumstances constitute a bona fide emergency. If the employee has available paid time off (vacation, personal, compensatory time), they must use such time in accordance with the full policies before being permitted to enter a no pay status, even if excused. For salaried employees, the employee may use accumulated paid leave time (PE, VV, SP; in accordance with the full policies). If the employee does not have sufficient paid leave time, the Absent-Excused (AE) code should be used. For non-salaried employees, the employee may use accumulated paid leave time (PE, VV, VVF, VVS, CW, CU; in accordance with the full policies). For shorter time segments, the Lost Time codes should be used. AE should not be used to simply extend an employee's leave time (e.g. extended vacation or to provide prolonged leave for a medical procedure or illness). AE is ONLY to be used in full day increments. This code will dock pay.

Employee benefits may be terminated if an employee is in a No Pay status for more than six (6) consecutive days. The employee should call the Benefit's Service Center at 1-877-299-5111 with questions related to their benefits coverage.

### **Bereavement Leave/Death in Family (DF)**

Bereavement Leave is granted up to three (3) days if funeral services are held within Illinois or states contiguous to Illinois (Kentucky, Wisconsin, Indiana, Iowa, Michigan, and Missouri) and up to five (5) days if funeral services are not held in states contiguous to Illinois or in another country. Bereavement leave must be used in consecutive calendar days. Leave is granted for immediate family members including the following: mother, father, husband, wife, domestic partner, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents and grandchildren, court appointed legal guardians and a person for whom the employee is a court appointed legal guardian. This is paid leave.

CATA Edit Forms should be submitted with appropriate documentation (e.g. death certificate, letter from funeral home, obituary, and/or service pamphlet/flyer) so as to demonstrate that the leave is within the above stated parameters. If an employee fails to provide appropriate documentation, the absence(s) should be considered Absent Unexcused (AU). The applicable CBA governs the use of Bereavement Leave.

### **City Business (CB)**

City Business is to be designated when an employee is away from the office at a non-City work site for an authorized reason, such as if the employee is out of town for business or is at a conference or a meeting for a whole day. If the employee starts the day away from the office on City Business but comes in later, the employee should submit an edit and that time should be coded as CK.

### **Compensatory Time Used – Comp Used FLSA (CW) and Comp Used NFLSA (CU)**

Comp Used FLSA (CW) is used for the use of earned FLSA compensatory time (time earned over 40 hours in a week). Comp Used NFLSA (CU) is used for the use of earned non FLSA compensatory time (time earned between 35-40 hours in a week). Comp Used FLSA (CW) should be used before using time associated with Comp Used NFLSA (CU).

Compensatory time can be used in 15 minute increments. Compensatory time cannot be used to compensate for unplanned late arrivals or unplanned early departures. Supervisors should expect employees to request/schedule compensatory leave in advance. Comp Time may only be accrued by FLSA non-exempt titles, unless a CBA dictates otherwise.

### **Duty Disability (ID/DD/DDA)**

Duty Disability is used when an employee is injured while on duty. The department is responsible for paying the injured employee for the day of the injury only; the day of the injury should be coded ID (the ID code may only be used for the day of an injury). The DD code should be used starting with the first full day of the employee being off work due to an on-the-job injury (the day following the date of injury). The DD code will dock pay. The DDA code should be used when the employee is no longer on the payroll.

The DD code will dock pay since compensation due to lost time is managed by the Committee on Finance.

### **Educational Duty (ED)**

Educational Duty is for paid time off to attend a required work-related class or seminar at a non-City facility. Prior authorization is required in order to use this code and it must be limited to training that is required for the employee's work in their current position. If the employee is in training at a City facility but is unable to swipe, the employee should submit an edit and that time should be coded as CK.

### **Executive Release & School Day (ER)**

Executive Release may only be used with Chief of Staff (Mayor's Office) and Department Head approval for specific reasons. This code may be used for up to a maximum of two hours and must be confined to the first or last two hours of the employee's work day; under no circumstances is it permissible to excuse an employee from work in excess of two hours. The executive release code is typically used for the two hour Election Day release, the two hour first day of school release to allow parents to bring their child(ren) to school, and for early release on the day prior to select holidays, such as Christmas Eve and New Year's Eve. The Chief of Staff will notify Department Heads via memorandum of any authorized executive releases.

The ER code is only available for salaried employees and cannot be used to replace scheduled benefit time. Use of other benefit time in conjunction with these codes must fit into the regular approval process and policy guidelines. Edits are not required unless otherwise specified by the Department.

Non-salaried (hourly) employees who wish to participate in authorized executive releases may do so with Department Head approval, but they must have available paid time off to cover the two hour leave period. Use of available paid time off is subject to the normal approval process and must be used according to the use provisions of the CATA Guide (e.g. compensatory time may be used in 15 minute increments whereas vacation is half or whole day increments only). Employees may not use unpaid codes, lost time codes, or sick leave to cover the two hour leave period.

### **FMLA-Paid (Various codes) and FMLA-Unpaid (FND)**

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. Qualifying employees are granted 12 weeks of FMLA leave time in a 12 month period except in the case of a military caregiver leave in which 26 weeks of leave time is granted in a 12 month period. More information on FMLA can be found at <http://www.dol.gov/whd/fmla/> and the City FMLA documents at <http://my.cityofchicago.org/intranet/homepage/depts/human-resources/hr-administration.html>.

The FMLA CATA codes are as follows:

- FPE – FMLA PERSONAL
- FS – FMLA SICK
- FV – FMLA VACATION
- FC – FMLA COMP USED (Paid, approved non FLSA compensatory time used)



- FD – FMLA COMP USED (Paid, approved FLSA compensatory time used)
- FPA – FMLA PARENTAL LEAVE (To be managed by the HR division of the department)
- FND – FMLA NO PAY/UNPAID/DOCKING
- FN – FMLA only/Non-docking
- FNDA – FMLA neutral code

### **Jury Duty (JD)**

Employees required to serve on Jury Duty should notify their supervisor in advance and provide supporting court documentation to substantiate the absence(s) from work. If an employee wishes to receive their normal City pay for days served on jury duty, the employee must surrender their jury duty stipend (including reimbursement for travel-related costs) by endorsing the jury duty payment check and submitting to the department's payroll section within three (3) business days of the date(s) served. If an employee fails to provide appropriate documentation, the absence(s) should be considered absent unexcused or absent excused, depending on the circumstances; both of these codes will dock pay.

### **Leave of Absence (LA and LAD)**

If an employee is not eligible for FMLA or has exhausted their approved FMLA time, the employee may be approved to take a leave of absence per the provisions of the Personnel Rules and/or CBA. If an employee is taking a leave for their own medical condition, the MD (Medical Disability) code should be utilized. LA should be used when the employee is no longer on the payroll. LAD should be used for any time that will be processed by payroll. These codes will dock pay.

### **Lost Time/Tardiness – Arriving Late or Leaving Early**

All employees are expected to be at work according to their set schedule. **Every employee's schedule must be reflected in CATA.**

- Salaried non-represented employees are expected to begin work within 15 minutes of their set schedule.
- All union-represented employees are expected to be at work at the start of their set schedule (any start time after the scheduled start of the employee's shift is considered tardy).

Department heads may grant a generic CATA schedule to non-represented employees if it does not adversely affect operations. A generic schedule provides flexibility with regard to start and end times, though employees must still work the minimum number of work hours each day per City policy. A generic schedule may NOT be used for hourly, part time, or union-represented employees.

All time lost, whether at the beginning or end of the work day, needs to be accounted for via an appropriate CATA code. In all situations, employees should only be permitted to arrive late or leave early for infrequent emergency situations.

There are four different CATA codes that apply to lost time. **ALL of the lost time codes are to be used in increments of less than full days.** Frequent use of unexcused lost time codes may result in disciplinary action.

Lost time – unexcused – paid (TU): This code is to be used if an **employee who is not entitled to overtime (FLSA exempt)** arrives late, takes an extended break, or leaves early without permission and without working the required number of work hours. This code does not dock pay, but makes a record of the lost time.

Lost time – excused – paid (TE): This code is to be used if an **employee who *is not entitled to overtime (FLSA non-exempt)*** arrives late, takes an extended break, or leaves early and the missed time was pre-approved/excused. It should only be used due to an **infrequent emergency situation**. This code does not dock pay, but makes a record of the lost time.

Lost time – excused – unpaid (TN): This code is to be used if an **employee who *is entitled to overtime (FLSA non-exempt)*** arrives late, takes an extended break, or leaves early with permission for an **infrequent emergency situation**. This code is unpaid.

Lost time – unexcused – unpaid (TD): This code is to be used if an **employee who *is entitled to overtime (FLSA non-exempt)*** arrives late, takes an extended break, or leaves early without permission. Employees should not be permitted to work later in the day to offset unapproved tardiness. This code is unpaid.

If an employee leaves early due to sickness, the appropriate sick leave code (SP, VVS) should be used or, if exhausted, the Sick-No Pay (SN) code should be used.

#### **Medical Disability (MD)**

The MD code should be used when the employee has an approved medical leave of absence. This leave shall be granted for up to three months with renewal required every three months afterwards. The appropriate documentation must be submitted and approved by the Department Head. If a non-medical leave is granted, the LA/LAD codes should be utilized.

#### **Off-Site Location, Badge Reader/ID Malfunction, Forgot/Lost ID Card, Forget to Swipe In/Out (CK)**

The CK code should be used infrequently to document swipes at an off-site location and/or when a CATA clock is either not available or not functioning. It may also be used if an employee has forgotten or lost their ID card (maximum of three days) or if they forgot to swipe in or out. Employees are *always* expected to swipe at their authorized swipe location. Employees may input their badge ID number in place of swiping their badge at their authorized swipe location. Badge numbers can be found on the back of the card or in the employee's CATA record. As a result, a lost badge is not an acceptable reason for prolonged or frequent failures to swipe. If there is no badge number on the back of the card, the employee can contact the department's timekeeper for the number.

**A CATA Edit Form (hardcopy or electronic) that is signed by both the employee and his or her direct supervisor is required for each use of the CK code. CATA editors must enter comments into CATA explaining the reason for using the CK code.**

#### **Personal Day (PE)**

If employees are given a Personal Day as part of their benefits package, it must be used as a full day. Employees are not permitted to use Personal Day leave in any increment less than a full day (e.g. hourly or half-day increments are not permissible).

#### **Regular Holiday (RH)**

Regular Holiday is only paid if the employee is in a paid status both the day before and the day after the designated holiday. It is incumbent on the department to verify each employee's work status before and after holidays before allowing the holiday pay to PIP in CATA.



#### **Schedule Change: Temporary Schedule Change (SC)**

If it is necessary due to operational needs for an employee to work on a day that is normally scheduled as an off day, that employee may be granted a day off on a day that is normally a work day. SC would be entered on the missed workday to account for the absence. A temporary schedule change must be approved in advance and may only be authorized to address an operational need. The SC code may not be used to provide time off work for personal reasons; schedule changes should only be approved when there is a business justification.

Use of the SC code does not change the minimum work hours requirement; all employees must work five full work days in the same work week (Sunday through Saturday). Temporary schedule changes should be infrequent and naturally temporary in nature. The SC code may not be utilized to off-set tardiness or early departures. Any modification to an employee's authorized swipe or work location must be documented.

#### **Sick Leave (SP), Sick No Pay (SN), and Vacation Designated as Sick (VVS)**

It is the policy of the City of Chicago that sick leave is an employee benefit to be used only for a legitimate illness or injury of an employee, or a legitimate illness or injury of a member of the employee's immediate family which necessitates the employee's absence from work. Sick leave may also be used for an employee's medical appointments or the medical appointments of an immediate family member.

The employee has the burden of establishing that an illness related absence was legitimate. Failure to provide such reasonable evidence may result in the denial of sick leave benefits or revocation of benefits granted. The determination as to the appropriateness of the sick leave will be made by the employee's supervisor. If the circumstances indicate that an employee is abusing sick leave, disciplinary measures may be taken. Disciplinary action may also be taken when there is excessive absenteeism.

Employees are to provide a doctor's note if they are off of work due to illness for three (3) or more consecutive days. Employees may be asked to provide a doctor's note or a self-certification if he/she is off of work for less than three (3) consecutive days and the supervisor has sufficient reason to believe the employee's absence is not due to illness. In addition, employees may be asked to submit a doctor's note or a self-certification if they call in sick on a Monday or Friday, before/after a holiday, the day after a pay date, or if a pattern of misuse is apparent. If an employee is off of work due to illness for ten (10) or more consecutive days, he/she must provide a Return to Work Certification from their doctor indicating that they may resume work without restrictions before being permitted to return to work. Employees with restrictions may apply for an ADA reasonable accommodation.

**Sick Leave (SP)/Sick No Pay (SN) Usage:** Sick leave (SP) can be used in 15 minute increments, unless a higher threshold has been established by the department head and/or past practice, and cannot be used for arriving to work late due to lack of sleep, traffic delays, or other personal matters that are not related to an illness. Sick time may only be used for a legitimate illness or injury as specified above. If employees earn sick leave as a benefit of employment, the Sick Leave (SP) code should be used. If employees do not earn sick leave or if they have exhausted all of their sick leave, the Sick No Pay (SN) code should be used. Employees are expected to exhaust Vacation Designated as Sick (VVS)/Sick Leave (SP) days before being permitted to use Sick No Pay (SN) days. Regardless of the situation, Sick Leave (SP), Vacation Designated as Sick (VVS), and Sick No Pay (SN) codes should only be used if an employee has a legitimate illness necessitating time off. Under no circumstances should an employee be permitted to remain in a Sick No Pay (SN) status (or any other No Pay status) for more than six (6) consecutive days; benefits may be terminated after six (6) consecutive No Pay days. If employees require a longer term absence, they should consider applying for FMLA Leave or taking a personal/medical leave of absence. Supervisors should expect that sick leave for doctor's appointments is scheduled in advance. The SN code for employees that are not entitled to overtime (FLSA exempt) can only be used in full day increments.

**Vacation Designated as Sick (VVS) Usage:** Only applies to hourly represented employees; up to five vacation days can be designated as sick use, if a Collective Bargaining Agreement (CBA) permits. VVS days are to be taken in either half or whole day increments. Supervisors are, however, permitted to authorize exceptions to permit use in 1-hour increments for *reasonable and infrequent* employee requests (e.g. 0-3 instances per year *may be* deemed reasonable). Such requests might include: early departure due to significant and noticeable illness, emergency care for a sick family member, or doctors' appointments that are scheduled in advance (minimum of 1 week). Vacation (VVS) use in 1-hour increments is the exception, not the rule. All VVS leave must be in accordance with the City of Chicago Sick Leave Policy (specified above). Employees must exhaust Vacation (VVS) time before being permitted to use Sick No Pay (SN) time.

#### **Suspension (SU)**

The Suspension code is used to enter an employee's suspension based upon disciplinary procedures. The employee is docked based upon calendar days, i.e. one week of suspension is usually equivalent to five unpaid work days. FLSA exempt employees are not subject to suspensions of less than a full work week. This code will dock pay.

#### **Union Business (UB)**

The Union Business code is for paid time off to attend union meetings, voting, testifying in formal hearings, participating in pre-disciplinary hearings, etc. Prior authorization is required for the use of this code. If advanced authorization is not sought or approved, the absence(s) should be considered Absent Unexcused (AU).

#### **Union Leave (UL)**

The Union Leave code is used for unpaid union business when an employee takes a Leave of Absence from their position to work full time for the union. Union Leave is restricted to HR/payroll use only. This code will dock pay.

#### **Vacation (VV)**

Vacation (VV) days may only be used in either half or whole day increments. Employees who work a 35-hour week, may take either 3.5 hours (half day) or 7 hours (full day); if they work a 40-hour week, they may take either 4 hours (half day) or 8 hours (full day). Vacation days may not be used in increments less than that specified above.

#### **Vacation Short Notice/Floater (VVF)**

Vacation Short Notice/Floater usage applies only to represented employees; up to five vacation days may be designated as floaters to be used for "day-at-a-time" call ins, if a Collective Bargaining Agreement (CBA) permits. If the request for vacation is not within the department bid guidelines and the time off request is approved, the absence should be coded as VVF. Likewise, if an employee wishes to use one of their designated VVF days on short notice (e.g. call in), the absence should be coded as VVF. Supervisors have the right to deny short notice vacation requests due to minimum manpower requirements per the provisions of any relevant CBA; if a request is denied and the employee fails to report to work, the absence should be coded as Absent Unexcused (AU).

#### **Vacation Designated as Sick (VVS)**

Vacation Designated as Sick (VVS) usage applies only to represented employees; up to five vacation days designated as sick use are permissible, if a Collective Bargaining Agreement (CBA) permits. Vacation Designated as Sick (VVS) days are to be taken in either half or whole day increments. Supervisors are, however, permitted to authorize exceptions to permit use in 1-hour increments for *reasonable and infrequent* employee requests (e.g.



0-3 instances per year *may be* deemed reasonable). Such requests might include: early departure due to significant and noticeable illness, emergency care for a sick family member, or doctors' appointments that are scheduled in advance (minimum of 1 week). Use in 1-hour increments is the exception, not the rule. All Vacation Designated (VVS) leave must be in accordance with the broader sick leave policy (specified below). Employees are expected to exhaust Vacation Designated (VVS) time before being permitted to use Sick No Pay (SN) time.

#### **Voluntary Furlough (FLV)**

Salaried, non-represented, employees are eligible for requesting a reasonable (as determined by the department head as it relates to work load and staffing needs) number of voluntary furlough days if they have used all of their allotted vacation days. Such requests should be approved well in advance and can be denied if such leave would have an adverse effect on the operation. This code will dock pay.

***At no time should departments keep employees on the payroll for extended periods of time by granting them a few days of sick leave, vacation and/or compensatory time each payroll period, while docking them or granting them leave without pay for the balance of the period. Employees may be granted all appropriate time due, however, that time must be used continuously from the date of the first absence.***

#### **Summary of Changes in CATA codes:**

<u>Previous Code</u>	<u>Description</u>	<u>New Code</u>	<u>Notes</u>
AN	Absence No Pay	AU	More descriptive of the absence
DA	Dock Discipline	SU	All suspensions in one code
DP	Discipline Process	AA	Paid time off at the employer's request
DS	Suspension Dock	SU	All suspensions in one code
EX	Excused from Duty	--	Consolidated codes
ID	Injury on Duty	ID	Only for less than one day (day of injury)
PL	Leave of Absence	LA	Consolidated leave codes
OD	Ordinary Disability	MD	The City does not know if the employee actually goes on Ordinary Disability with the Funds
Q codes	Non-FLSA codes	--	No longer necessary
SD	School Day	ER	The 2 hours for the start of school can be tracked by date.
SF	Sick-Family	SP	Consolidate codes
TP, TQ, TR, TW	Lost Time/ Tardy Codes	TD, TE, TN and TU	Consolidated codes
C1 and C2	Overtime	--	Consolidated codes
CT	City Travel	CB	Consolidated codes
ADM	CPL Admin Days	GD	No longer needed

## **CATA CODES: OVERTIME ELEMENTS**

### **OT 1\_0**

Straight rate for overtime pay.

### **OT 1\_5**

One and half time overtime pay.

### **OT 2\_0**

Double rate for overtime pay.

### **OT 2\_5**

Double and half rate for overtime pay.

### **DEC OT 1\_5**

One and half time overtime pay for deceased employee.

### **DEC OT FLSA**

Overtime pay for FLSA for deceased employee.

### **OT FLSA**

Fair Laborer Standards Act pay applied to Police personnel using the following calculations:

For Sergeant, Lieutenant, and Captain:

FLSA Rate

$$= ((\text{Current payrate} \times 12) + (\text{Sup quarterly} \times 4) + (\text{Duty availability} \times 4) + (((\text{Current payrate} \times 12) / 2080) \times .75) \times 235) / 2080$$

For everyone else:

FLSA Rate

$$= ((\text{Current payrate} \times 12) + (\text{Duty availability} \times 4)) / 2080$$

### **SUPERVISORS QUARTERLY OT**

Quarterly differential paid to personnel in BU 71, 73, and 75 per the collective bargaining agreement.

### **DEC SPRVSR QRT OT**

Quarterly differential paid to personnel in BU 71, 73, and 75 per the collective bargaining agreement. Supervisor Quarterly's overtime payment for deceased employee.

### **OT 1\_5 REIMB**

This element has not been in use since 2018. OT elements that are suffixed with "REIMB" were created for the Department of Buildings. The elements are used for elevator inspectors that must work when the building is closed, which is typically not during work hours. The department requested the element to flag the OT because the building owner may be required to reimburse the City for the cost.

### **OT 2\_0 REIMB**

This element has not been in use since 2018. OT elements that are suffixed with "REIMB" were created for the Department of Buildings. The elements are used for elevator inspectors that must work when the building is closed, which is typically not during work hours. The department requested the element to flag the OT because the building owner may be required to reimburse the City for the cost.



**OT 2\_5 REIMB**

This element has not been in use since 2018. OT elements that are suffixed with "REIMB" were created for the Department of Buildings. The elements are used for elevator inspectors that have to work when the building is closed, which is typically not during work hours. The department requested the element to flag the OT because the building owner may be required to reimburse the City for the cost.



**Aneesa Patwary**  
Performance Analyst

**Kathleen O'Donovan**  
Chief Performance Analyst

**Amelia Linman**  
Assistant Inspector General

**Darwyn Jones**  
Deputy Inspector General, Audit and Program Review

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For further information about this report, please contact the City of Chicago Office of Inspector General, 231 S. LaSalle Street, 12th Floor, Chicago, IL 60604, or visit our website at [igchicago.org](https://igchicago.org).

**Talk to Us**  
(833) TALK-2-IG/(833) 825-5244  
[talk2ig@igchicago.org](mailto:talk2ig@igchicago.org)  
[igchicago.org/talk2ig](https://igchicago.org/talk2ig)

**OIG Business Office**  
(773) 478-7799

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