

**OVERTIME POLICY FOR NON-EXEMPT
7(K) PUBLIC SAFETY EMPLOYEE**

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I. PURPOSE

This policy specifically addresses:

- WHO is eligible to receive compensation for overtime;
- WHEN an employee's work is considered "overtime";
- HOW overtime is calculated; and
- WHAT procedures must be followed.

II. DEFINITIONS

- Employees

Employees covered by this policy are "fire protection employees" and "law enforcement employees" as defined by the FLSA and as designated by the City under the 7(K) partial overtime exemption provision of the FLSA, who do not otherwise qualify for exemption from the FLSA overtime provisions as, for example, executive, administrative, professional, or seasonal recreational employees.

- Regular Rate

Compensation of overtime will be calculated according to requirements of the FLSA. Examples of payments which are included in the calculation of the "regular rate" in addition to base salary are: educational incentive pay, out of class pay, and retroactive pay increases.

- Workperiod

Law enforcement employees have a 28 day work period; fire protection employees have a 27 day work period.

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- Mandatory Training

Training that is required by the employer for continued employment.

- Voluntary Training

Training that is not required by the employer for continued employment and that an employee attends at his/her option.

- Compensatory Time Off (Comp. Time)

Hereafter referred to as “comp. time” may be taken in lieu of cash compensation for overtime accrual in accordance with the policy. Comp. time will accrue at the rate of 1-1/2 times the employee’s regular rate of pay.

III. POLICY

A. Eligibility for Overtime

When the number of hours actually worked by fire protection employees, exceeds two hundred and four (204) hours in the designated twenty-seven (27) day work period, and those hours have been approved by the supervisor, the excess hours are considered overtime. When the number of hours actually worked by law enforcement employees, exceeds one hundred and seventy-one (171) hours in the designated twenty-eight (28) day work period, and those hours have been approved by the supervisor, the excess hours are considered overtime.

B. Hours Worked

1. Time spent by employees which will be counted as hours worked for purposes of determining overtime liability under the FLSA include:

- Rest breaks of fifteen (15) minutes or less.

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- “Controlled” standby time, or time where an employee is required to respond within thirty (30) minutes.
 - Sleep time where the shift is less than 24 hours.
 - Meal periods.
 - Time spent in attending mandatory training is counted as hours worked.
2. Time spent by employees which will not be counted as hours worked for purposes of determining overtime liability under the FLSA include:
- Paid leave (this includes, but is not limited to, vacation, holiday, sick leave, and comp. time).
 - “Uncontrolled” standby time which includes, but is not limited to situations where employees are on standby duty with a pager and/or are required to leave word with the employer as to where he or she can be reached by telephone.
 - Travel time between home and work.
 - Time spent in attending voluntary training will not be counted as hours worked.
3. Travel time spent traveling is counted as hours worked under the following circumstances:
- Travel during the work day is considered hours worked if the employee is traveling from one job site to another job site during the normal work day and as part of the employee’s principal job activity.

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- Out-of-town travel, which does not require an overnight stay, is considered hours worked if the time an employee spends traveling from home or work to an out-of-town destination is at the request of the City. However, travel time ceases when the employee reaches the destination and calculation does not include time spent traveling between home and an airport or railroad station, nor time spent stopping for meals.
4. Time spent in attendance at lectures, meetings or training programs is counted as hours worked under the following circumstances:
- Attendance at the lecture, meeting, or training program is involuntary as where the training is required by the employer for continued employment; or
5. Time spent in attendance at lectures, meetings or training programs is not counted as hours worked if the following four (4) criteria are met:
- Attendance is outside the employee's regular working hours; and
 - Attendance is voluntary; and
 - The lecture, meeting, course, or training program is not directly related to the employee's job as where the purpose is to prepare the employee for advancement through upgrading the employee to a higher skill; and
 - The employee does not perform productive work while attending the lecture, course, meeting, or while participating in the training program.

C. Overtime Procedures

Employees who incur overtime are subject to the following conditions and procedures:

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- Approval - Supervisors approval to work overtime must be obtained prior to working additional hours.

- Calculation

Law Enforcement Employees: Based upon hours actually worked in excess of 171 hours per 28-day work period.

Fire Protection Employees: Based upon hours actually worked in excess of 204 hours per 27-day work period.

- Rate - Compensation will be at 1 x 1-1/2 employee's regular rate of pay.

- Accrual - On a work period basis.

- Recordkeeping - Overtime should be accurately recorded on a pre-approved time card. The City will not be liable for overtime incurred which is not officially recorded.

IV. COMPENSATORY TIME OFF

If comp. time is to be used to compensate an employee for overtime, it is calculated at the following rate(s) and method(s) of accrual with the following maximum allowable hours carried on the books.

A. Employees

1. Law Enforcement Employee

For those actual hours worked in excess of 171 hours in any given work period, comp. time may be accrued at:

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- Rate = 1 x 1-1/2 hours for each hour worked
- Accrued = On work period basis
- Cap = Maximum comp. time balance allowed is 60 hours; any overtime worked above this cap will be monetarily compensated.
- Separation of Employment = When a law enforcement employee leaves the City (for either voluntary or involuntary reasons), the City will “buy-out” or compensate the employee for overtime accrued in accordance with this policy at the rate of 1-1/2 times the employee’s then regular rate of pay.

2. Fire Protection Employees

Member of Group C will continue to receive monetary compensation for overtime at the rate of 1-1/2 times the regular rate of pay.

B. Approval of Use of Comp. Time

Supervisors must approve comp. time when it is accrued and before it is taken. This occurs by obtaining supervisor signature/initials on the compensatory time log. Supervisors further acknowledge approval of the use of comp. time when they sign the time sheets submitted bi-weekly for payroll purposes thereby completing the official record of employee time.

The comp. time log should be submitted to and initialed by the supervisor on, at least, a bi-weekly basis when employees submit time cards for payroll.

C. Logging Comp. Time Accrual and Usage

Comp. time accrual and usage must be recorded on a compensatory time log. This record notes the following:

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- Work Period in which overtime comp. time is accrued and/or used;
- Reason for overtime/comp. time accrual;
- Number of Hours accrued/used;
- Balance of comp. time on record;
- Supervisor's Approval (signature).

The employee must also record comp. time as it is accrued and used on his/her time card by using the appropriate special hours code (CT).