



Overtime Compensation

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1.0 POLICY

Under the overtime provisions of the Fair Labor Standards Act (FLSA), non-exempt covered employees must receive extra compensation for overtime hours worked. The County abides by all applicable sections of the FLSA and will properly record all applicable overtime accrued for each covered employee. Eligibility for overtime compensation shall be determined as outlined below. It is the policy of the County that unless otherwise authorized, employees will receive compensatory time off for any overtime hours worked.

2.0 DEFINITIONS

- 2.1 Compensatory Time:** Time given off work, in lieu of monetary compensation for time worked in excess of the maximum hours applicable to the type of employment in which the employee is engaged.
- 2.2 Exempt Status:** Employees who are not eligible for overtime compensation as mandated by the FLSA. This includes those County employees designated as Executive, Administrative and Professional according to the FLSA.
- 2.3 Non-Exempt Status:** Employees who are eligible for overtime compensation as mandated by the FLSA.
- 2.4 Overtime:** All actual hours worked in excess of forty (40) hours in a workweek for regular employees or all actual hours worked in excess of 85.5 hours in a fourteen (14) day period of the 28 day pay cycle for law enforcement employees. Vacation time, sick time and holiday time will not be considered as actual hours worked for the computation of overtime pay.
- 2.5 Workweek:** The seven (7) consecutive days period of time designated as the official workweek for each position. Various departments may have schedules, which differ from the regular 8am to 5pm, Monday through Friday standard hours of operation; however their employees will still adhere to a forty (40) hour workweek.

2.6 Work Period:

- A.** The official work period for all county employees except law enforcement and dispatch personnel is forty (40) hours over a seven (7) day, consecutive work period. This work period begins at 12:00am on Sunday and ends at 11:59 pm the following Saturday.
- B.** The official work period for law enforcement employees is 85.5 hours over a period of fourteen (14) consecutive days.
- C.** The official work period for dispatchers in the Sheriff's Department is eighty four (84) hours over a fourteen (14) day, consecutive work period. This work period begins at 12:00 am on Sunday and ends at 11:59 am the following Saturday.

3.0 PROCEDURE / RULE

3.1 Eligibility for Overtime:

- A.** Non-exempt employees, (i.e. covered by the FLSA but not categorized as law enforcement) shall be compensated for all overtime hours at 1-½ hours for every hour over forty (40) actually worked in a normal work period.
- B.** Non-exempt law enforcement employees (i.e. covered by the FLSA) shall be compensated for all overtime hours at 1-½ hours for every hour over 85.5 hours actually worked in a normal 14-day work period.
- C.** Exempt employees shall receive no additional compensation, monetary or otherwise, for any hours worked in excess of their normal forty (40) hour work period, but are required to work a minimum of forty (40) hours per work period. Exempt employees that are deemed essential in a qualified FEMA emergency situation may be paid a bonus of hours worked at straight time.

3.2 FLSA Exclusions:

- A.** The FLSA "exempts" three (3) categories of employees under carefully defined Executive, Administrative and Professional provisions. These exemptions are primarily based on the nature of duties and responsibilities performed in each position. The Human Resources Department is responsible for determining Exempt or Non-exempt status based on job information provided by the individual departments. Regardless of duties and responsibilities, all hourly paid employees are non-exempt.
- B.** Requests for changes in status for individual positions should be forwarded by memorandum from the Department Directors to the Human Resources Department.

3.3 Authorization of Overtime: Each department must designate those persons authorized to permit overtime. Except in cases of emergency, employees are not to perform work at any time they are not scheduled to work unless they receive prior approval from their immediate supervisor. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

3.4 Controlling Overtime: Work schedules can be adjusted in some circumstances to provide the flexibility needed to meet workloads or emergency situations. Departments are encouraged to control overtime hours by adjusting work schedules where needed.

3.5 Accrual and Use of Overtime.

- A.** Employees wishing to use accrued compensatory time must make a request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the County.
- B.** Department Directors may, with the prior approval of the County Manager, pay employees for overtime worked when it is not feasible to permit their absence for the purpose of taking compensatory time off. The payment of overtime pay shall depend upon the availability of funds in the departmental budget.
- C.** As required by law, *nonexempt* employees will be paid for any unused comp time balance upon termination from Lee County employment;
- D.** Under the FLSA, covered employees who work in public safety activities (i.e. Sheriff & Jail officers), who accrue more than 480 hours of compensatory time and covered general employees who accrue more than 240 hours of compensatory time must be given paid overtime for all overtime in excess of those limits.
- E.** Since it is the desire of Lee County to maintain compensatory time balances of forty (40) hours or less, employees will be encouraged to use their accumulated compensatory time in order to avoid balances exceeding this amount; however, in no case will any *nonexempt* employee lose compensatory time in excess of forty (40) hours or compensatory time not used within a certain timeframe.
- F.** Employees shall exhaust compensatory time before taking vacation time, sick time or leave without pay.
- G.** **Compensatory will be required to be taken during an FMLA event.**
- H.** Compensatory time may be taken in fifteen (15) minute increments.

- I. It is the responsibility of the Department Directors to make sure that employees within their departments never accumulate compensatory time to the point that it exceeds the FLSA limit on hours.

3.6 Monetary Payment for Overtime: In special cases where overtime cannot be eliminated or otherwise controlled, monetary payments may be made for overtime hours worked. Any payment of overtime hours must have prior approval of the County Manager.

4.0 APPENDIX / APPENDICES

None.