

Section I - Purpose

The purpose of this policy is to define compensatory and overtime practices throughout the City, and the method for computing and recording this time.

Section II - Philosophy

The city does not encourage or promote work beyond the regularly scheduled work week. Overtime should be used only when necessary to maintain effective operations and respond to emergencies.

The City recognizes that management positions often require extra time on the job and variable work hours. This is not considered "overtime," but is instead a "part of the job" the employee has accepted.

The City also accepts its responsibility under the Fair Labor Standards Act (FLSA), and expects management and employees to abide by its requirements.

Section III - Definitions

- A. Compensatory time (comp time): Non-monetary compensation for hours worked over 40, except where department policy states otherwise.
- B. Overtime: Monetary compensation for hours worked over 40, except where department policy states otherwise.
- C. FLSA: The Fair Labor Standards Act sets minimum wage, overtime pay, equal pay, record-keeping, and child labor standards for employees who are covered and are not exempt from specific provisions. For the purposes of overtime, employees are either exempt or non-exempt from the FLSA.
- D. Exempt and Non-covered Employees: Exempt employees are not entitled to overtime or compensatory time at time and a half. Non-covered employees include: elected officials, policy making appointees, legal advisors, bona fide volunteers, independent contractors.

Exempt employees fall into three major categories: executive, administrative, and professional. The FLSA "long test" or "short test" are applied to positions to determine if the position meets one of the exemptions.
- E. Non-exempt or Covered Employees: Employees covered by the FLSA. These employees are entitled to overtime or compensatory time at time and one half for hours worked above their normal work week. This includes all bargaining unit employees, as well as salaried employees listed in below.

- F. Bargaining unit employees: Those employees covered by a collective bargaining agreement. For purposes of this policy, various overtime or comp time policies have been negotiated with each of the bargaining units.
- G. Salaried employees: Those employees not covered by a collective bargaining agreement. This policy establishes guidelines for comp time or overtime for these employees.
- H. Part-Time employees: Employees working less than an average of 30 hours per week. Part-time employees are covered by the FLSA. Departments should not work these employees in an overtime situation (i.e., more than 40 hours per week).
- I. Seasonal employees: Employees working less than seven months in a year. Seasonal employees are exempt from FLSA and do not receive overtime or comp time at time and one half.

Section IV - Recording Procedures for Covered Employees:

These employees must be compensated, either through comp time or overtime pay, for hours worked in excess of their normal work period.

It is important to note that employees, who continue to work, even if on a voluntary basis are engaged in compensable working time if the employer allows the employee to work or knows the employee is working. The following salaried employees are non-exempt:

Administrative Aide I	Administrative Clerk II
Administrative Secretary I	Administrative Secretary II
Fire Captain	Corporal
Fiscal Coordinator (CDBG)	P.C. Programmer/System Coordinator I
Personnel Assistant	Secretary to Mayor/City Administrator
Sergeant	

- A. Covered employees should work overtime only at the direction of their supervisor or after obtaining permission from the supervisor.
- B. Any overtime worked by such employees should be recorded on the employee's time card in the space indicated as "time 1/2 hours." The overtime should be recorded as straight hours worked. The overtime should also be specifically recorded on each day worked. The time card MUST be initialed by the supervisor. The time card must also be initialed by the employee unless a time clock is used. A "CT" should be placed next to this time if the time is being recorded as comp time. If no code is given, overtime will be paid.
- C. Non-exempt salaried employees may be assigned comp time in lieu of overtime at management's discretion. This arrangement should be discussed with the employee before the overtime is worked. Comp time may be substituted up to a maximum of 240 hours (160 hours straight time). The Department maintains the option of paying the accumulated comp time to the employee as overtime.
- D. Use of the accumulated comp time must be recorded in the appropriate day of the week, with the appropriate number of hours followed by a "CT" to indicate use of comp time.

Comp time must be used in increments of 1/10th of an hour.

- E. A Comp Time report will be produced by Payroll/Data Processing as part of the weekly Hours Analysis Report and distributed to the appropriate departments.

Section V - FLSA Exempt Employees

This includes all salaried employees not listed above. For this category of employees, the City is not obligated to compensate for time worked over 40 hours. No overtime or compensation time will be formally recorded or paid to these employees.

"Flexitime" may be considered for duties performed "over and above" the normally assigned duties. No formal policy will apply to this group of employees. Departments may, however, establish informal flex arrangements. The following guidelines are offered for the departments:

- A. All exempt employees are treated as "salaried" employees. That is, there may be times when the employee is required to work over 40 hours as part of their normal duties. At the same time, when these employees must take an hour off, they should not necessarily be required to take a specific leave.
- B. At no time are exempt employees covered by the FLSA, therefore, the city does not assume any liability for payment of hours worked over 40.
- C. At no time will any flexitime be accrued at the rate of time and a half.
- D. Flexitime will not be allowed to accumulate, but should be used by the employee at or around the time of occurrence.
- E. Flexitime is not guaranteed on an hour for hour basis, but is instead intended to allow flexibility for those employees working "over and above" their normal duties.
- F. All discussions of flexitime arrangements should be discussed prior to the project occurring.
- G. Examples of work for which departments may want to provide flexitime include the following: Special projects or assignments; Call-out assignments over and above the norm; and other extenuating circumstances.
- H. Examples of work for which flexitime should NOT be provided include the following: Regular attendance as staff support for advisory boards during evening hours; routine call-outs; conferences or training sessions; work performed over 40 hours as part of routine duties.

Section VI - Administration

All records will be maintained by Payroll. Any inquiries concerning the administration or record-keeping requirements of this policy should be directed to the Payroll Coordinator.

Review of exempt and non-exempt positions will periodically be performed by the Human Resource Department in conjunction with policy updates, classification changes, job duty adjustments, etc. Any questions concerning the exempt/non-exempt status of a position should be directed to the Director of Human Resources.