

## POLICY AND PROCEDURE # 3 OVERTIME

### *Policy Statement*

*All employees may be required to work in excess of their normal work schedule. Supervisors are encouraged to minimize those occasions that place employees in a situation where they are required to work extensive consecutive hours of overtime. Compensation for overtime shall comply with all federal, state and/or local rules and regulations. Any unwritten policies or practices that are inconsistent with the Fair Labor Standards Act (FLSA) are expressly rescinded.*

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### Definitions

- Hours Paid includes all hours designated on the time record as paid time under a policy included in this policy manual. Hours Paid therefore includes hours taken as vacation, sick, holiday, funeral leave, jury leave, compensatory time off and other leaves identified under Policy #16 as Leaves of Absence (Paid).
- Hours Worked includes all hours actually worked ~~or hours taken as vacation~~. Hours worked does not include hours taken as holiday, funeral leave, jury leave, performance award time off, compensatory time, **vacation time**, sick leave, paid leave used for work absence due to sick purposes when sick leave is exhausted, other paid leave or unpaid leaves of absence.
- Fire Mandatory Overtime Hours are the regularly scheduled ~~42 8~~ hours (204 **136** to 216 **144** hours) worked on a ~~27~~**18**-day cycle by sworn fire personnel.

### Work Schedules

- Fire sworn-24-hour shifts for a total of ~~216~~**144** hours during a ~~27~~**18**-day cycle.
- Police sworn and Fire Investigators- 40 hours per week for a total of 160-hours during a 28-day cycle.

### Rates of Pay

Non-exempt employees will be compensated at the appropriate overtime rate for Hours Worked in excess of the normal Work Schedule. The normal overtime rate is 1½ times the regular rate of pay.

Fire Mandatory Overtime Hours are compensated at half the hourly rate and the pay is not reduced by paid leave usage.

Time worked for special events may never be paid at 2 times the regular rate, regardless of when the work occurs during the employee's Work Schedule.

### Overtime Calculation Period

Although Police personnel and Fire Investigators work a 28-day cycle, the review period for overtime calculation and eligibility occurs every two weeks (80 hours).

Fire personnel work a ~~27~~**18**-day schedule, and overtime is calculated following completion of the cycle.

### Overtime Approval

All overtime hours must be approved in advance by the immediate supervisor or designated authority, except Fire Department hirebacks and other activities identified by the Chief, as approved overtime.

### Scheduled Overtime Compensation

If Scheduled Overtime does not begin immediately prior to or after the employee's normal work schedule, the employee will be compensated for a minimum of two hours at the appropriate rate.

### Court Time Compensation

Court Time includes scheduled court appearances for police and fire personnel in connection with job assignment. Unless expressly governed by approved department policy, Court Time that falls outside the employee's normal work schedule will be compensated at 1 ½ times the regular hourly rate for actual hours spent at court above Hours Paid during the Work Schedule or the appropriate overtime calculation period.

### Grant Time

Grant Time includes hours worked by police personnel that are compensated through grants. Grant Time is paid at the appropriate overtime rate when Grant Time hours exceed Hours Paid during the employee's normal Work Schedule or appropriate overtime calculation period.

### Extra Duty Time

- Extra Duty Time for the City includes time worked for the City in response to internal requests from various Departments, not for private employers. Extra Duty Time for the City is paid at time and a half and is not included in Hours Worked.
- Extra Duty Time for private employers is time charged to outside agencies that want to hire extra duty Police Officers. The fee for this Extra Duty Time is set by the Mayor annually. Extra Duty Time for private employers is not included in Hours Worked.

### Hirebacks

An employee who elects to work additional hours as a Hireback in Fire will be compensated at the appropriate overtime rate for the Hours Worked in excess of the relevant Work Schedule. Overtime commences after Hours Worked exceeds the time designated as the Work Schedule above, which includes Mandatory Overtime Hours.

### Overtime While Traveling

A non-exempt employee who is required to travel to a temporary job site or a directed training site will be compensated in accordance with the Fair Labor Standards Act.

### Overtime Distribution

Management shall use their best efforts to distribute the opportunity to work overtime among qualified employees within the operational requirements of the department and the work that needs to be performed.

### Release from Duty

A non-exempt employee's normal work schedule shall not be reduced without prior notice for the sole purpose of avoiding overtime compensation for hours that have been worked. The immediate supervisor may notify the employee in advance of a work schedule change in order to avoid a potential overtime situation.

### Overtime Refusal

An employee who is required to work overtime and refuses is subject to disciplinary action, up to and including termination.

### Police Compensation for Routine Care, Cleaning and Maintenance of Firearms, Ballistic Vest and Uniforms

Overtime or compensatory time as compensation to Police for routine care, cleaning, and maintenance of firearms, ballistic vest, and uniforms will be provided as follows:

- 30 minutes per pay period may be requested without prior supervisory approval;
- Officers and Sergeants must submit either an overtime slip or compensation time slip;
- Officers and Sergeants must actually work at least 40 hours in a 14-day pay period to be entitled to any overtime or compensation time for these tasks.
- Fire personnel have access to washer and dryer facilities at all fire stations and are expected to use these while on shift and so will not be compensated for uniform maintenance performed on personal time.

### On Duty Time for Cleaning and Maintenance of Leather Gear

If an Officer or Sergeant chooses to wear a leather belt with leather attachments and/or leather footwear, the Officer or Sergeant shall be given a reasonable amount of time on duty to clean and maintain these items with supervisor approval and the Officer or Sergeant will not complete these tasks outside regular work hours.

## Release From Work

For employees who have worked extensive overtime, the immediate manager/supervisor may send an employee home or direct the employee to report to work late when, in the manager/supervisor's sole judgment, the employee's lack of adequate rest poses safety risks to the employee or co-workers. Scheduled hours not worked by the employee shall be paid at straight time.

*Last revised: 4/13-11/16*

## Policy # 11 OVERTIME

*~~Policy Statement:~~ All employees may be required to work in excess of 40 hours in the workweek. Departments/Divisions are encouraged to minimize those occasions that place employees in a situation where they are required to work extensive consecutive hours of overtime. Compensation for overtime shall, at minimum, comply with all applicable federal, state, and/or local rules and regulations. All overtime must be approved in advance by the immediate supervisor.*

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### Nonexempt Employee Compensation

Nonexempt employees will be compensated at the appropriate overtime rate for all hours worked in excess of the 40 hour workweek. ~~"Hours worked" includes actual hours worked and vacation.~~ Hours worked does not include holidays, funeral leave, jury leave, performance award time off, compensatory time off, **vacation time**, sick leave or paid leave used for work absence due to sick purposes when sick leave is exhausted or other paid leaves,. Leaves without pay will not be included.

- Rates: The normal overtime rate is 1 ½ times the employee's regular rate of pay. That rate is calculated in accordance with the requirements of the Fair Labor Standards Act and represents the employee's average hourly rate when all pay differentials are included with the base hourly rate.
- Scheduled Overtime: Overtime announced 12 hours in advance is considered "scheduled". If the scheduled overtime does not begin immediately prior to or

after the employee's normal work schedule, the employee shall be compensated for a minimum of two hours at the appropriate overtime rate.

- Overtime While Traveling: A nonexempt employee who is required to travel to and from a temporary job site or a directed training site will be compensated in accordance with the Fair Labor Standards Act.
- Release from Work: A nonexempt employee's normal work schedule shall not be reduced without prior notice for the sole purpose of avoiding overtime compensation for hours that have been worked. The immediate supervisor may notify the employee in advance of a work schedule change in order avoid a potential overtime situation. See Policy and Procedure #10, Work Schedule.

### Exempt Employee Compensation

Exempt employees, except in unusual circumstances as authorized by the Department Director or Council/Mayoral Appointee, will not be compensated for hours worked in excess of their standard workweek (i.e., 40 hours,  $\frac{3}{4}$ -time,  $\frac{1}{2}$ -time, etc.). It is recognized that the executive, professional, and administrative employees (as defined in the Fair Labor Standards Act) do not adhere to a strict standard workweek. In those instances where an exempt employee is required to work extensive hours, exceeding their standard workweek for a prolonged period of time, the Department Director and the Human Resources Director or Council/Mayoral Appointee may authorize time off or a special payment of additional compensation.

### Overtime Exemption

Hourly and seasonal employees of City recreational operations, which are exempt from the overtime provisions of the FLSA, will not be covered by the overtime provisions of this policy.

### Overtime Distribution

Within the operational requirements of the work to be performed, the immediate supervisor shall use their best efforts to distribute the opportunity to work overtime among qualified employees.

### Overtime Refusal

An employee who is required to work overtime and refuses is subject to disciplinary actions, up to and including termination, unless such refusal is protected by law.

### Volunteer Time

The City will comply with laws governing the payment of overtime to non-exempt employees. If there is a question about the classification of an activity as work time or volunteer time, please contact Human Resources.

### Meals During Overtime

In order to ensure employee safety and to maintain employee productivity, the supervisor shall make every attempt to ensure that employees working overtime are provided a paid meal period at reasonable intervals.

When unforeseen circumstances dictate, the supervisor may authorize the payment for meals delivered to the work site or eaten off-site.

Last revised: ~~4/1~~**11/16**