

220. Overtime

Employees covered under a collective bargaining agreement should refer to the terms of the applicable agreement for overtime compensation provisions specific to their pay group.

.1 Non-Exempt Employees

Employees who are non-exempt based on the Fair Labor Standards Act (FLSA) shall be compensated at one and one-half times the regular hourly rate for all hours worked in excess of forty (40) hours in one (1) work week.

.11 Non-exempt employees are not authorized to work overtime, except in emergency or on-call situations, unless specifically approved by their department head or designee.

.12 Each department should develop procedures for the authorization of emergency and on-call overtime and compensatory time. Supervisors are responsible for managing the use of overtime and compensatory time of their subordinates. If employees fail to adhere to these policies, disciplinary action should be taken, including for employees who work overtime without approval. Employees who work overtime without approval will be paid for all overtime worked when required by law.

.13 No paid or unpaid leave, with the exception of holiday leave, is counted as hours worked when computing overtime.

.14 Non-exempt employees required to work on a City holiday will be compensated at one (1) and one-half (1/2) times the hourly rate for all regularly scheduled hours worked. Non-exempt employees required to work beyond the regularly scheduled hours on a City holiday will be compensated at two (2) times the adjusted overtime rate for hours worked in excess of the regularly scheduled hours.

.15 Overtime compensation will be in the form of cash payment (wages) unless the employee elects to receive compensatory time instead.

.16 Department heads or designees may provide compensatory time off in lieu of monetary overtime at a rate of one and one-half hours of compensatory time for each hour of overtime worked. The following provisions govern compensatory time for non-exempt employees:

.161 When overtime has been properly authorized and before it is worked, a non-exempt employee should make a documented request to receive compensatory time in lieu of cash payment. Such an election does not apply retroactively to any overtime hours already worked. A department head or designee has discretion to allow compensatory time in lieu of cash payment and/or restrict the amount of such accruals below policy limits.

.162 A non-exempt employee's request to receive compensatory time in lieu of cash payment must be freely and voluntarily made by the employee.

.163 When a non-exempt employee is required to work overtime, the employee must be paid overtime in cash payment unless the employee has freely and voluntarily elected to receive compensatory time before the overtime is worked. When a non-exempt employee is offered overtime work, but not required to work the overtime, the department can offer only compensatory time before the overtime is worked, and the employee can choose to work overtime for compensatory time or decline to work the overtime without repercussion.

.164 Non-exempt employees may accrue a maximum of eighty (80) hours of compensatory time after which overtime shall be compensated by cash

payment (wages).

- .165 Accrued compensatory time must be expended before vacation leave can be used.
- .166 An employee transferring from one department to another must use or be paid for any accrued compensatory time prior to the transfer. When an employee moves from a non-exempt position into an exempt position, all compensatory time should be used or paid prior to the job change.
- .167 Accrued compensatory time as defined within 220.161 will be paid to non-exempt employees upon separation.
- .168 Compensatory leave cannot be used during a period of suspension.
- .169 An employee's request to take compensatory leave will be granted within a reasonable period so long as such leave does not unduly disrupt departmental operations by significantly impacting the department's ability to continue core operations. The department head or designee also can require the employee to use compensatory time at certain times according to the needs of the department.

.2 Exempt Employees

- .21 Exempt employees are not eligible for overtime or compensatory time under FLSA. However, in certain situations, exempt employees may be eligible for Emergency Pay or Authorized Personal Leave.
- .22 Exempt employees in pay grades EX-36 and below (or equivalent) may receive "Emergency Pay" for work performed over forty hours in one work week during an emergency which has been declared by the Mayor. Emergency Pay is defined as pay equal to the employee's base salary pro-rated to an hourly rate, paid at straight time for all hours worked during one work week.
- .23 As an alternative to Emergency Pay, exempt employees in pay grades EX- 36 and below (or equivalent) may receive Authorized Personal Leave for work performed over forty hours in one work week during an emergency which has been declared by the Mayor. For this section, Authorized Personal Leave is defined as one hour of leave granted for each hour of work performed over forty hours in one work week. Exempt employees in pay grades EX-36 and below may receive Authorized Personal Leave for- work that is unforeseen, infrequent and/or short duration. Authorized Personal Leave must be approved by the department head or designee and recorded in the payroll system. An employee can accrue a maximum bank of eighty (80) hours of Authorized Personal Leave at any time. An employee is not eligible for Emergency Pay and Authorized Personal Leave for work done within the same work week. An exempt employee shall not be compensated either during or upon separation of employment from the City for any Authorized Personal Leave accrued under this section which is not recorded within the payroll system. If an exempt employee transfers to another department, all Authorized Personal Leave should be paid to the employee by the originating department.
- .24 Designated exempt positions previously eligible for Premium Pay will have an additional four percent (4%) applied to their base pay in recognition of the duties assigned to their position. These positions were identified as part of a Memorandum Of Understanding (MOU) effective December 5, 2017. Department payroll staff will be responsible for updating and maintaining the list of approved positions.

This additional pay is based on the position, not the employee, and shall only be paid to employees for time worked in the designated position(s). If an employee leaves the position for any reason for another position not covered by this designation, their new pay will be calculated after removing the 4% from their base salary.

Application of the additional 4% shall not exceed the maximum of the pay range and will not be used in reviewing an employee's pay for pay equity or supervisory pay differential.

- .25 Exempt employees in pay grades EX-40 and above (or equivalent) who are not eligible for Emergency Pay may receive Authorized Personal Leave after working significantly more hours on critical matters, large projects, public meetings or other similar work that requires their attendance of a minimum of 50 hours in a work week. Authorized Personal Leave is not an hour for hour leave benefit and should only be utilized if workload and job responsibilities permit. This Authorized

Personal Leave must be requested in the time and attendance system utilized by the City and approved by the employee's direct supervisor. This Authorized Personal Leave does not accrue and is not paid out to an exempt employee as a lump sum payout either during employment or upon separation from the City.