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Personnel Policies for Staff Members

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Compensation

32. Overtime (Non-Exempt Employees Only)

July 1, 1996

A. POLICY

Overtime shall be assigned by the department head to meet essential operating needs.

Overtime by non-exempt employees must be approved in advance, but if worked it must be compensated, whether approved or not. An employee is expected to seek advance approval for overtime work and to report overtime worked at the time of reporting other hours worked in a work-reporting period.

B. DEFINITION

Except for Police personnel, Hospital Employees, and Firefighters, as described below, overtime is time worked that exceeds the hours of a full-time employee's regular daily schedule on pay status or exceeds 40 hours on pay status in a workweek. Pay status includes time worked and paid leave such as sick leave, vacation leave, holidays, military leave, compensatory time off, and administrative leave with pay. Overtime shall be reported and compensated on the basis of the nearest 1/4 hour.

Note: Under certain circumstances, premium overtime provisions may not apply to employees engaged in agricultural work, employees whose primary duty is the operation of a vessel, or certain seasonal recreational employees. Computer professionals who are paid on an hourly basis and who are paid more than 6-1/2 times the minimum wage will also be considered exempt from premium overtime provisions.

C. COMPENSATION FOR OVERTIME

Employees shall be compensated at the straight-time rate for hours of overtime not exceeding 40 hours of actual work in a workweek, and shall be compensated at the premium rate of 1-1/2 times the regular rate of pay (see Definitions) for hours worked which exceed 40 hours of actual work in a workweek, not simply hours on pay status in a workweek.

1. Police Officers, Police Sergeants, Police Lieutenants. For the purposes of computing premium overtime for Police Officers, Police Sergeants, and Police Lieutenants, hours worked shall include paid holiday time, paid vacation, and compensatory time off.

Premium overtime compensation for Police Officers, Police Sergeants, and Police Lieutenants may be computed based on:

- a. 40 hours in a 7-consecutive day workweek; or
- b. other authorized tour of duty not to exceed 171 non-overtime hours in a 28-consecutive day work period.

Employees on an authorized tour of duty as described in a. and b. above shall be paid at the rate of 1-1/2 times the straight-time rate for hours worked which exceed the maximum non-overtime hours of the work period.

2. Hospital Employees. Hospitals are permitted to compute premium overtime compensation based on:

- a. 40 hours in a 7-consecutive day workweek; or
- b. 80 hours in a 14-consecutive day work period (the 8/80 option)

Eligible hospital employees for whom the 8/80 Option work period has been selected shall be compensated at the rate of 1-1/2 times the regular rate of pay (see Definitions) for hours worked that:

- a. exceed 8 hours of actual work in any work day within such a work period; and
- b. exceed 80 hours of actual work in the 14-day work period.

Any payments at the premium rate for daily overtime hours within such period shall be credited toward the premium rate overtime compensation due for hours of actual work in excess of 80 in the work period.

3. Employees in Firefighter Classifications. Premium overtime compensation for employees in firefighter classes may be computed based on:

- a. 40 hours in a 7-consecutive day workweek; or
- b. other authorized tour of duty not to exceed 212 non-overtime hours in a 28-consecutive day work period or equivalent (e.g., 204 non-overtime hours in a 27-day work period, 197 hours over 26 days, etc.).

Employees on an authorized tour of duty as described in a. and b. above shall be paid at the rate of 1-1/2 times the straight-time rate for hours worked which exceed the maximum non-overtime hours of the work period.

4. Compensation Option. In accordance with the following sections, overtime shall be compensated at the appropriate rate either by compensatory time off or by pay.

Compensatory time off at the straight-time rate of pay may be scheduled by the department head within the same workweek in which the overtime is earned to avoid hours of actual work in excess of 40 in that workweek. Accrued hours of straight-time overtime shall be paid at the employee's rate at the time of payment.

For overtime which is compensable at the premium rate, the method of compensation (either compensatory time off or pay) shall be at management discretion, unless agreement regarding the method of compensation is not reached, in which case pay shall be provided instead of compensatory time off. An employee must also be permitted to use the compensatory time within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the operations of the department.

Compensatory time off for overtime accrued at the premium rate. No more than 240 hours (160 hours of actual overtime work at time and one-half) of compensatory time may be accrued. For employees in protective service titles, the maximum accrual is 480 hours, or 320 hours at time and one-half. An employee shall be paid for hours of premium overtime that exceed the maximum accrual limit. Accrued hours of premium overtime shall be paid at the employee's rate at the time of payment:

- a. if not taken as compensatory time off within 6 months, or an extended period authorized by local guidelines; or
- b. upon separation. (Note: If the final rate at the time of payment is lower than the average hourly rate received by the employee during the last three years of employment, payment upon separation must be based on the higher of the two rates.)

Applicability: Non-exempt Employees. (See also: [Staff Policy 31, Hours of Work](#), and [Staff Policy 33, Shift and Weekend Differential](#).)

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