

POLICY ON Overtime/compensatory time off; approval and designation
Tybee Code Sec. 46-45.

It is the intent and policy of the city to comply with the Fair Labor Standards Act (FLSA), as it applies to local governments, in its overtime and compensatory time provisions for city employees. In the event that the city's personnel policy should differ from the FLSA, the FLSA controls. The overtime/compensatory time off policy as adopted by mayor and council is available in the Clerk of Council office at City Hall.

A. Definitions:

- 1. Exempt Employees** – Exempt employees are exempt from the Federal Wage and Hour overtime provisions of FLSA. With few exceptions, employees are exempt if paid a guaranteed minimum amount of money that the employee can count on receiving for any work week in which he/she performs any work. That amount must be at least \$23,600 per year, on a salary basis and the employee must perform exempt job duties. Employees employed in a bona fide executive, administrative, or professional role are exempt job duties. All of the essential conditions prescribed by the FLSA regulations must be met before an employee may be considered exempt.
- 2. Non-exempt Employees** – Non-exempt employees fall under the overtime Federal Wage and Hour provisions.
- 3. Public Safety Activities** – Those activities covered as fire protection and law enforcement activities.
- 4. Fire Protection Activities** - An employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by the fire department; and is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk. Not included in the term are the so-called “civilian” employees of the fire department or employees who engage in such support activities as those performed by dispatchers, alarm operators, apparatus and equipment repair and maintenance workers, camp cooks, clerks, stenographers, etc.
- 5. Law Enforcement Activities** - Any employee who is a uniformed or plain clothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes, who has the power to arrest, and who is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics. Not included are the so-called “civilian” employees of law enforcement agencies who engage in such support activities as those performed by dispatcher, radio operators, apparatus and equipment maintenance and repair workers, janitors, clerks and stenographers.

B. Policy Specifics:

FLSA overtime requirements do not apply until a non-exempt employee works 40 hours in a week. Only time worked is counted and time not worked, for whatever reason, is not counted. Non-exempt employees are eligible to receive overtime pay after working 40 hours in a one week period. Non-exempt public safety, emergency response, or seasonal employees are eligible to receive overtime pay after working 80 hours in a 14 day work period.

It shall be the city's policy to accrue compensatory time (comp time) in lieu of payment for overtime hours worked by non-exempt employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the city. All existing employees and new hires will be informed and give written notice of the policy. Comp time is defined as time off granted to non-exempt employee to offset hours worked by the employee over and above those required in the normal course of employment. Exempt employees are not eligible to accrue comp time.

C. Overtime

All overtime work must receive the employee's supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Non-exempt employees will be compensated overtime pay in accordance with federal and state wage and hour restrictions at a rate of 1.5 times their regular rate. For non-exempt salaried employees, the salary must be broken down into hourly rate for computation of overtime. Overtime pay is based on actual hours worked. Time off for sick leave, vacation leave, meals, comp time taken, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

D. Compensatory Time

Compensatory leave shall be authorized at 1.5 hours of leave per overtime hour worked for non-exempt employees. An employee may be granted the use of earned compensatory leave upon request at such time as designated by his/her supervisor which will least obstruct normal operations of the department. A supervisor may refuse to authorize use of compensatory leave if the absence of the employee would result in undue disruption of normal operations of the department. Compensatory leave accumulated by an employee as of the effective date of this rule shall be retained by the employee until used in accordance with the provision of these regulations.

E. Guidelines

The following are the guidelines for the use of compensatory time (comp time):

1. Non-exempt employees may receive comp time in lieu of overtime pay for hours worked in excess of the maximum set for their work period.
2. Except in cases of emergency, the department head must approve any hours beyond an employee's normally scheduled hours. Department heads are expected to organize their projects and tasks appropriately to minimize comp time accruals for pre-approved projects or seasonal demands that are substantial in nature.

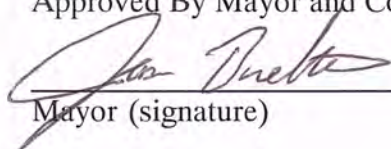
3. Comp time is not intended for ongoing daily work. Time reports of the employee showing overtime hours accrued as comp time must be signed by both the employee and the department head as an agreement between the two that the employee will be taking comp time in lieu of overtime pay.
4. A non-exempt employee may accrue a maximum of 120 hours of comp time at any given time (160 hours for employees engaged in public safety, emergency response, or seasonal activities). Any hourly employees who accrue time over the maximum will not be logged as comp time and will be paid to the employees as overtime.
5. Comp time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor and before March 31st of each year.
6. If an employee with accrued comp time is promoted to an exempt position, all accrued comp time will be paid out prior to the effective date of the promotion.
7. Employees engaged in public safety, emergency response, or seasonal activities, who transfer to positions subject to the 160-hour limit, may carry over to the new position any accrued compensatory time. The City will not be required to cash out the accrued compensatory time which is in excess of the lower limit. However, the employee will be compensated in cash wages for any subsequent overtime hours worked until the number of accrued hours of compensatory time falls below the 160-hour limit.
8. All comp time earned by an employee must be used before the employee uses any accrued annual leave unless this will result in accrued vacation being forfeited.
9. If an employee takes a medical leave of absence, accrued comp time shall be added to other appropriate leave time for additional time off and utilized prior to the utilization of any other accrued leave time.
10. Upon employee separation, an employee shall be paid for accrued unused comp time.

The official time and attendance records maintained by the city's personnel office will be the controlling records for any compensatory time purpose.

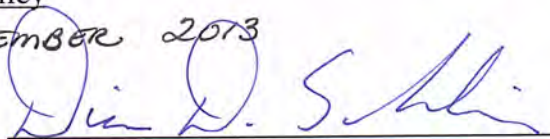
The city may pay an employee in cash, in whole or part, for accumulated compensatory time, at any time.

Policy Title: Overtime and Compensatory Time Policy

Approved By Mayor and Council on: 14 NOVEMBER 2013



 Mayor (signature)



 City Manager (signature)