

employed in a recreational establishment, organized camp, or non-profit educational conference center if: a) the establishment does not operate for more than seven (7) months in any calendar year; OR b) during the preceding calendar year, its receipts for any six (6) months of the year were not more than thirty-three and one-third (33 1/3%) percent of its average receipts for the other six (6) months of the year. As a matter of policy, persons employed by Augusta, Georgia, in a capacity falling within the above referenced FLSA exemption shall be paid straight time for all hours worked.

### **Section 500.130 Overtime for Part-time, Non-exempt Employees**

Part-time, non-exempt employees who work more than their normal work schedule but less than the FLSA maximum hours for the appropriate work cycle will be paid at straight time. When hours worked exceed FLSA maximums for the appropriate work cycle, part-time employees will be paid overtime at time and one-half (1.5) of the regular rate.

### **Section 500.131 Compensatory Time Policy for Non-Exempt Staff**

The Fair Labor Standards Act (FLSA) authorizes local governments to grant compensatory time (comp time) off at a rate of one and half (1.5) hours for each overtime hour worked in lieu of cash overtime compensation. However, comp time shall only be applicable to non-exempt employees.

Comp time accrued and used in the same FLSA work cycle is used as straight time (e.g. a non-exempt employee works three (3) hours past his normal schedule on the third day of a seven (7) day FLSA work cycle. The employee then uses the accrued comp time on the sixth day of the same FLSA work cycle. The time is used as straight time (three hours), since the use of the comp time took place in the same FLSA work cycle.) Comp time is allowed at the discretion of the Elected Official/Department Director. Comp time must be provided in accordance with an agreement or understanding with employees prior to the time being worked. The employee has the right to request the use of accumulated comp time. Department/office administrators must allow for the use of the comp time within a reasonable period following the employee's request to take the time off unless the operation of the government would be unduly disrupted by the employee's absence from work. The employee is entitled to receive full compensation for unused accumulated comp time when employment is terminated.

The FLSA requires the paying out of or "cashing out" of comp time upon separation from Augusta, Georgia service. When compensatory time is cashed out upon separation of employment, it must be paid at the regular rate the employee is earning at the time it is cashed out, or the average regular rate received by the employee during the past three years, whichever is higher.

Department Directors/Elected Officials may choose to cash out comp time periodically at any time during the employee's tenure with the approval of the Augusta, Georgia Board of Commissioners. When time is cashed out by a Department/Office on occasions other than separation from Augusta, Georgia service, it must be paid at the regular rate the employee is earning at the time it is cashed out. (Funds must be available in the department budget for use in cashing out comp time.)

### **Section 500.132 Maximum Comp Time Accrual**

The FLSA establishes the maximum amount of comp time that employees can accrue. The maximum accrual limit for employees engaged in work associated with public safety, emergency response and seasonal work is 480 hours. For employees in all other areas, the maximum accrual is 240 hours. Any hours worked over these limits must be paid to the non-exempt employee.