



POLICY AND PROCEDURE

POLICY NUMBER: 220-201

POLICY TITLE: OVERTIME AND COMPENSATORY TIME POLICY

EFFECTIVE DATE: November 1, 1998 REVISION DATE: December 1, 2012,

APPROVED BY: _____
CITY MANAGER

Confirmed by Council of The Columbus Consolidated Government Ordinance No. 12-58, _____.

STATEMENT OF POLICY:

It is the general policy of the Columbus Consolidated Government that all work by non-exempt employees shall, as much as possible, be completed during the employee's normally scheduled workday or shift. In instances where a non-exempt employee must work hours in excess of the maximum permitted for his/her respective work period, prior approval of the immediate supervisor and/or Department Director must be obtained. The Columbus Consolidated Government will comply with the provisions of the Fair Labor Standards Act (FLSA) and other applicable federal and state regulations.

When conditions arise which, by the determination of the immediate supervisor and/or Department head, necessitate that non-exempt employees work overtime, employees will be expected to work such overtime as approved and assigned by their supervisor and/or Department Director.

SCOPE:

This policy applies to all employees of the Columbus Consolidated Government.

RESPONSIBILITY:

It is the responsibility of the management and supervisory staff of the Columbus Consolidated Government to monitor the work schedules of employees under their supervision, to assure compliance with the provisions of this policy, to approve overtime/compensatory time by non-exempt staff only when necessary and when funds are available, to assign overtime/compensatory time equitably and to maintain records of overtime and compensatory time assigned.

It is the responsibility of employees to adhere to all policy requirements regarding overtime and compensatory time off.

PROCEDURE:

1. **Notice** - When Overtime is required, supervisors will provide employees with as much advance notice as possible.

2. **Exempt Staff** - Exempt employees (i.e., employees who qualify for an exemption from FLSA overtime provisions because they meet the test of executive, administrative, or professional exclusion) are not entitled to overtime. Exempt employees are paid on a straight salary basis, covering their overall job responsibilities and total hours worked, regardless of the number. Exempt employees shall not earn compensatory time, and no exempt employee shall have compensatory time logged as earned in Departmental or payroll records after the employee assumes the exempt position.

3. **Non-exempt Staff** - Non-exempt, non-public safety employees (i.e., those who are scheduled to work 40 hours during a seven-day work period) will be paid at their regular straight time hourly rate of pay for all hours actually worked up to and including the 40th hour in each seven-day work period (12:01 a.m. Saturday through 12:00 midnight the following Friday). For all hours actually worked in excess of 40 hours in each seven-day workweek, non-exempt, 40-hour per week employees will either receive overtime pay at the rate of time-and-one-half their regular hourly rate of pay or they will be given compensatory time off (or “comp time”) at a rate of time-and-one-half hours off for each overtime hour worked.
 - **Holidays** - When a non-exempt, non-public safety employee actually works on a holiday the employee is paid for the actual hours worked, plus his/her normal holiday pay (8 hours at straight time). Overtime remains payable after 40 hours worked, including the time actually worked on the holiday.

 - **Comp Time** - Compensatory time off may be granted upon mutual understanding of the employee and the supervisor and/or Department Director before the actual overtime hours are worked. A Compensatory Time Off Agreement form (which follows this policy and procedure) must be signed by the employee prior to the working of overtime that will be paid as comp time and placed in the employee's file. **Employee consent is not required for time off or schedule adjustments made within a given seven-day workweek, and such time is given on a straight time basis. Comp time is to be reported to Human Resources on an approved form signed by the employee's supervisor and department head or designee.**

4. **Non-Exempt Public Safety Employees** - Non-exempt, law enforcement, fire protection or emergency medical employees who are scheduled to work assigned shifts during either a 28- day/171 hour work period* (law enforcement) or a 21-day/159 hour work period* (fire protection/emergency medical) will be paid their regular straight time rate of pay for all hours actually worked up to and including the hours specified in the applicable designated work period.* For all hours worked in excess of those specified in the designated work period,* non-exempt, law enforcement and fire protection/emergency medical employees will either receive overtime pay at the rate of time-and-one-half their regular rate of pay or they will be given compensatory time off at a rate of time-and-one-half hours off for each overtime hour worked.
 - **Comp Time** - Compensatory time off will only be granted upon mutual understanding of the employee and the supervisor and/or Department Director

before the actual overtime hours are worked. A Compensatory Time Off Agreement form (which follows this policy and procedure) must be signed by the employee prior to the working of overtime and placed in the employee's personnel file. **Employee consent is not required for time off or schedule adjustments made within a given 28-day work period for law enforcement personnel or 21-day work period for fire protection personnel, and such time is given on a straight time basis.** Comp time is to be reported to Human Resources on an approved form signed by the employee's supervisor and department head or designee.

** Special rules apply for non-exempt law enforcement and fire protection/emergency medical shift personnel with respect to variable duty cycles, "short pay" periods, shift differentials, training time, court time, and holidays. For a complete explanation of these rules, employees affected should consult the Human Resources Department.*

5. Other Non-exempt Public Safety - Employees of the Columbus Consolidated Government assigned to Police, Fire, EMS, 911, Sheriff's Department, Marshal's Office or Muscogee County Prison working standard 40hour schedules or public safety support personnel (e.g., receptionists, operators, secretarial/clerical, etc.) are governed by the non-public safety Columbus Consolidated Government policies and FLSA regulations as delineated in this policy.

6. Compensatory Time Guidelines and Legal Restrictions for Non-exempt Staff - The payment of overtime dollars can be minimized by giving an employee compensatory time at a rate of one and one-half hours for each overtime hour worked (which is a legal requirement adhered to under FLSA regulations, which govern all compensatory time). Compensatory time is given, accumulated, or banked at a rate of one and one-half hours for each hour of overtime worked. It is utilized or paid-out at a straight time or 1:1 ratio (i.e., 1 hour of comp. time utilized = 1 hour time-off or 1 hour paid at the employee's regular hourly rate). Other requirements are as follows:

- A Compensatory Time Off Agreement form must be signed by the employee before any comp time is issued under this policy.
- Comp time accumulated and used is to be reported and logged into the HRM/Payroll System in the same manner as sick and annual leave. Off-line or informal records in the departments are not permitted.
- The maximum number of compensatory time hours that may be accumulated in an employee's compensatory time "bank" at any particular time is limited by the FLSA. The current limits are 480 hours for public safety, emergency response, and seasonal employees, and 240 hours for non-public safety

employees. Overtime hours worked in excess of the maximum accumulation must be paid at a rate of time and one-half the employee's regular rate of pay.

- When an employee transitions from a non-exempt position into an exempt position, one or more of the following events shall take place, depending on the specific circumstances at issue and the abilities and needs of the Department, with the goal being to prioritize the handling of compensatory time in the following manner, in descending order of preference: (1) the employee maybe required to utilize some or all of the accumulated compensatory time prior to the transition; (2) the Department may pay-out any accumulated compensatory time prior to the transition; (3) or the Department may calculate and then pay out outstanding accumulated compensatory time within two pay cycles following the transition at the employee's regular rate at the time of payment.

 - The employee has the right to request the use of any accumulated compensatory time and may do so by submitting a request in writing to his or her supervisor or Department Director. The supervisor and/or Department Director must schedule the use of compensatory time within two weeks following the employee's request to utilize compensatory time unless the operation of the department would be unduly disrupted by the employee's absence from work.

 - Every six (6) months, the HR Department and/or Department Directors may undertake an audit or a more informal evaluation of outstanding accumulated compensatory time and require that such compensatory time be paid-out or used, as deemed necessary and appropriate under the circumstances and budget of the department. In addition, the HR Department and/or Department Directors may set limits for accumulated compensatory time and issue payments for or require the use of accumulated compensatory time as needed. The HR Department will strictly monitor any situation where over 100 hours of unused compensatory time has accumulated. Departments with employees exceeding this limit may be required to meet with the City Manager or the Mayor and provide a written plan for reducing the accumulated compensatory time.
7. **Payout of Compensatory Time:** An employee shall receive cash compensation for any unused accumulated compensatory time when the employee is separated from employment with the City. An employee may be requested and required to exhaust some or all of the accumulated and unused comp time prior to separation from employment.

Compensatory Time Off Agreement For Non-Exempt Columbus Consolidated Employees

In accordance with the Fair Labor Standards Act (FLSA), the Columbus Consolidated Government has a policy wherein non-exempt employees may be granted compensatory time off in lieu of pay for hours worked.

In compliance with the provisions of FLSA, I understand that compensatory time, when granted, will be given at a rate of time-and-one-half hours off for each overtime hour worked:

- In excess of 40 hours per week for eligible non-exempt, non-public safety employees or
- In excess of 171 hours per 28-day work period for eligible non-exempt Law Enforcement employees or
- In excess of 159 hours per 21-day work period for eligible non-exempt Fire Protection employees.

I further understand that compensatory time may be required to be used, be limited, accrued, used, or cashed consistent with the provisions of City policy (see Policy No. 220-201) and applicable laws and regulations of the U.S. Department of Labor.

I agree to the provisions of time off as compensation for overtime worked and consent to the use of compensatory time in accordance with City policy. I also understand that this agreement shall continue in full force and effect until revoked, in writing by me or the City.

Employee Signature

Date

Job Title

Department/Division

Supervisor/Dept. Head Signature

Date