

CITY OF COOPER CITY  
HUMAN RESOURCES DEPARTMENT



COMPENSATION RULES POLICY  
POLICY #02-018

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL		
This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this operating procedure.		
Revision	Date	Description of Change
1		Initial Release

APPROVALS

\_\_\_\_\_  
Human Resources Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Commission

\_\_\_\_\_  
Date



# City of Cooper City City Policies and Procedures

SUBJECT	Compensation Rules
POLICY #	02-018
City Commission Approval	

**Policy:**

Workweek

The typical workday consists of eight (8) hours plus unpaid lunch periods, limited to one (1) hour. The workweek for most City employees consists of five (5) consecutive days for a total of forty (40) hours of work, exclusive of unpaid lunch periods, but this can be either longer or shorter depending on the needs of the City and its residents. The typical workweek will be Monday through Friday unless otherwise adjusted by the City Manager.

Call-out Pay/Shift Differential

If a non-exempt employee is off-duty and is called out to report for work, the employee will be paid a minimum of three (3) hours at one and one-half (1½) times his or her regular pay rate.

Employees assigned to work midnight shifts (from 11 p.m. through 7 a.m. or midnight to 8 a.m.) shall be compensated one dollar (\$1.00) per hour, above their regular pay rate, for each hour worked on such a shift.

Overtime Pay/Compensatory Time Provisions

The City will comply with all provisions of the Fair Labor Standards Act (FLSA) and all subsequent amendments. The Human Resources Director will determine which positions are subject to ACT in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. This policy will apply to all employees covered under the provisions of the FLSA. Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head.

Non-exempt

- a) Full-time and part-time employees who have been classified as “non-exempt” from the overtime provisions of the FLSA must be paid for overtime hours worked or given compensatory time off under the guidelines in this policy. Overtime is paid, or compensatory time off is given to non-exempt employees for hours worked in excess of 40 hours per week. The workweek of the City is defined as Monday through the following Sunday.
- b) When overtime is paid or compensatory time off is given, it is at the rate of 1 ½ times the employee’s regular hourly rate for those hours actually worked in excess of 40 in a workweek (vacation, sick, holidays and compensatory leave taken do not count as hours actually worked).
- c) All overtime hours worked by a non-exempt employee must be approved in advance by the employee’s Department Head or Supervisor. Based upon the provisions of the FLSA, non-exempt employee work, which has not been requested by management but is endured or permitted, is considered work time.

Therefore, when an employee voluntarily works prior to or after their regularly scheduled work day, and it is endured or permitted, it is considered overtime when in excess of 40 hours in the workweek, although the work had not been specifically authorized. An employee who works overtime after the Department Head or Supervisor has denied authorization to work overtime may be subject to disciplinary action.

- d) Department Heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for overtime pay or compensatory time off in accordance with the established record-keeping forms and instructions. Department Heads are responsible for ensuring that all time worked above the regular workweek is necessary and time actually spent on the job.
- e) Whenever practicable, departments will give compensatory time off during the applicable work period rather than paid overtime. When time off within the work period cannot be granted, paid overtime will be paid in accordance with the FLSA.
- f) The City has set 48 hours as the maximum levels for the accrual of compensatory time. It will be the responsibility of the employee and the Department Head or Supervisor to manage hours of compensatory time in order to maintain a level below the maximum. If conditions warrant that an employee's work schedule requires the accrual of compensatory time after reaching the maximum level, paid overtime will apply.
- g) Compensatory time earned or used will be in fifteen (15) minute increments.
- h) Paid compensation for use of compensatory time or for accrued compensatory time will be paid at the regular rate earned by the employee at the time the employee receives such payment.
- i) Compensatory time will be encouraged to be used prior to using vacation leave in order to keep compensatory levels at or below maximum levels.
- j) Compensatory time does not extend an employee's separation date.

#### Exempt Employees

- a) Employees who are exempt from the provisions of the FLSA are not eligible to receive payment for hours worked in excess of 40 hours in a workweek. Exempt employees include executive, administrative, and professional employees whose exempt status is determined based on an evaluation of the specific job descriptions, responsibilities, duties, and level of decision-making authority of the employees involved.
- b) State and federal law do not require the employer to make overtime or compensatory time available to exempt employees. Exempt employees are expected to work whatever number of hours is required in order to accomplish their duties rather than being paid for the number of hours worked in a workweek.
- c) In accordance with Department of Labor (DOL) 29 C.F.R. 553.28 and 29 C.F.R. 541.604(a), an employer may grant time earned and additional compensation beyond the employee's salary without losing the exemption or violating the salary basis requirement. This time is considered "other" compensatory time.

- d) It will be the policy of the City to grant exempt employees the opportunity to accumulate and use "other" compensatory time.
- e) Exempt compensatory time will be accrued on an hour-for-hour basis for time worked in excess of 40 hours in a workweek. It will be the responsibility of the exempt employee to get approval for "other" compensatory time earned and to track and record such time.
- f) Use of "other" compensatory time will be approved by the City Manager, Department Head, or Supervisor where the convenience of the department allows.
- g) There will be no cash compensation for accrued "other" compensatory time at the time of separation from the City. It will not be used to extend an employee's separation date.
- h) The maximum number of accrued hours will not exceed 40. Any accrued hours exceeding 40 will be forfeited.
- i) The maximum number of accrued hours will not exceed 40. Any accrued hours exceeding 40 will be forfeited.
- j) Since this provision is not covered by the FLSA, there is no assurance that such "other" compensatory time is guaranteed and the manner that it may be provided to exempt employees will be determined by the City Manager.