

## **Current Policy and Procedure Manual**

### **Overtime (page 8)**

At the discretion of the supervisor, reasonable **limited** overtime may be required of employees. In most cases, non-exempt classified employees who work more than their regularly scheduled 40 hours per week shall be paid at the rate of 1 ½ times their regular pay.

### **Current Managerial Guidelines**

#### **OVERTIME (page 13)**

**OVERTIME RESTRICTED** - Overtime shall be limited in so far as possible and may be worked only with advance approval of the department head and administrator.

**OVERTIME, OTHER EMPLOYEES** - Except for exempt employees, all other employees shall be given overtime compensation for any hours, including sick leave, vacation leave and comp time leave, in excess of 40 hours per week.

**POLICE DEPARTMENT OFFICERS** - When police department officers work a 28-day work week schedule, overtime compensation shall be given for any hours worked in excess of 160 hours including, sick leave, vacation leave and comp time leave, per pay period. *(Amended 03/16/15)*

### **Proposed new policy replacing language in both the City of Lander Policy and Procedure Manual and the Managerial Guidelines**

#### **2-5 OVERTIME**

At the discretion and direction of the supervisor, reasonable overtime may be required of nonexempt employees. Overtime will be calculated and paid in accordance with the provisions of the Federal Fair Labor Standards Act of 1938, as amended, 29 USC 201 et seq. As with other types of authorized work, all time spent by nonexempt employees using electronic communications for work purposes will be considered hours worked; the time is compensable and will count toward overtime eligibility as required by law. Therefore, to avoid incurring unnecessary expenses, electronic communications should not be used outside regularly scheduled work hours unless required by management. This includes all types of work-related communication. Nonexempt employees should not check for,

read, send or respond to work-related e-mails, voicemails or other messages outside their normal work schedules unless specifically authorized based on job duties or direction by management to do so. Nonexempt employees using electronic communications for work-related correspondence during unauthorized times may be subject to discipline for violating this policy. Supervisors requiring nonexempt employees to use electronic communications for work-related correspondence at unauthorized times are also subject to discipline up to and including termination.

When The City of Lander experiences periods of extremely high activity, additional work may be required. Department heads are responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations. Employees may work overtime only with prior authorization. Any nonexempt employee who works overtime without authorization may be subject to disciplinary action, up to and including termination.

No compensatory time shall be allowed for nonexempt employees. For the purpose of managing overtime, a discretionary allowance, or "flex time" allowance, may be made by a supervisor for an employee to work a prescribed forty-hour work week (or 28 day tour for sworn law enforcement) at times other than the employee's regular work schedule. All time MUST be completed within the regular work week or tour, or the employee must enter time and be monetarily compensated for overtime.

All overtime must be reported during the pay period or work period in which it is earned, using the approved time record currently in use by the City of Lander. Premium pay is not used in the calculation of overtime wages.

#### NONEXEMPT, NON-SWORN LAW ENFORCEMENT EMPLOYEES:

Any nonexempt, non-sworn law enforcement, employee who works overtime will be compensated at the rate of one and one-half times (1.5) their regular hourly wage for all time worked in excess of 40 hours each workweek. Overtime pay is calculated based on actual hours worked. Paid time off (sick, vacation, paid administrative leave), holidays, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

For purposes of calculating overtime for non-law enforcement, nonexempt employees, the workweek begins at midnight on Saturday and ends 168 hours later at 11:59 p.m. on the following Friday.

#### NONEXEMPT, SWORN LAW ENFORCEMENT EMPLOYEES:

Sworn law enforcement employees are subject to the §207(k) exemption of the Fair Labor Standards Act and can fall under a different formula for calculating overtime. Pursuant to

section 207(k) of the FLSA and 29 CFR Part 553, employees engaged in sworn law enforcement activities are employees whose overtime may be determined on the basis of work periods longer than one-week and up to 28 days.

For the purposes of calculating overtime for nonexempt, sworn law enforcement employees, the city utilizes a 28-day "tour". Overtime will be based upon the hours worked over 171 hours in a 28 consecutive day work period or "tour". City of Lander sworn law enforcement personnel shall be paid overtime compensation at the rate of one and one-half (1.5) times their regular hourly rate only after the employee's work hours exceed the 171 hours in a 28-day tour. Overtime pay is calculated based on actual hours worked. Paid time off (sick, vacation, paid administrative leave), holidays, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Please see your supervisor of payroll for a 28 consecutive day tour calendar.