

## **Current Policy and Procedure Manual**

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

At the discretion of the supervisor, reasonable **limited** overtime may be required of employees. 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**

***Please note that the key changes from the previous policy to the proposed new policy are:***

- Paid time off (sick, vacation, and holiday hours) will no longer count toward the hours used to determine when overtime applies (over 40 hours in a workweek and over 171 hours in a 28-day law enforcement period).***
- For sworn law enforcement officers, the overtime threshold in a 28-day period will change from 160 hours to 171 hours worked before overtime is earned.***

***These changes align with the Fair Standards Labor Act (FSLA).***

## 2-5 OVERTIME (Rewritten)

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 **Federal Fair Labor Standards Act of 1938, as amended (FLSA), 29 U.S.C. §201 et seq.**

### A. General Rules and Authorization

1. **Overtime Authorization.** Employees may work overtime only with prior authorization from their supervisor (or other designated approver), except in emergencies or when otherwise directed by management.
2. **Overtime Must Be Paid. All hours worked must be accurately recorded and will be paid in accordance with the FLSA, whether or not the overtime was preauthorized.** Employees should log time rounded up to the nearest quarter hour. Employees who work overtime without authorization may be subject to discipline, up to and including termination. Supervisors who require or permit nonexempt employees to work overtime without appropriate authorization may be subject to discipline, up to and including termination.
3. **High Activity Periods.** When the City experiences periods of extremely high activity, additional work may be required. Department heads are responsible for monitoring business activity and requesting overtime work if necessary. The City will make reasonable efforts to provide employees with advance notice when possible.

### B. Electronic Communications Outside Scheduled Hours

All time spent by nonexempt employees using electronic communications for work purposes (including but not limited to e-mail, voicemail, text messages, messaging applications, and other work-related communications) is considered **hours worked**, is **compensable**, and will count toward overtime eligibility as required by law.

To avoid incurring unnecessary expenses:

- Nonexempt employees **should not** check for, read, send, or respond to work-related communications outside their normal work schedules unless specifically authorized or directed by management.
- Nonexempt employees who perform work-related electronic communications outside their scheduled hours without authorization may be subject to discipline.

- Supervisors who direct or permit nonexempt employees to perform work-related electronic communications outside scheduled hours without authorization may be subject to discipline, up to and including termination.

### C. Compensatory Time and Flex Scheduling

1. **No Compensatory Time for Nonexempt Employees.** Nonexempt employees will not be granted compensatory time in lieu of overtime pay.
2. **Flex Scheduling Within the Work Period.** For the purpose of managing overtime, a supervisor may authorize an employee to adjust start and end times within the employee's established workweek (or 28-day work period for sworn law enforcement) to work the prescribed schedule without incurring overtime. **All hours must be completed within the same workweek or work period;** otherwise, overtime must be recorded and paid in accordance with this policy.

### D. Timekeeping and Payroll

1. **Accurate Reporting Required.** All overtime and all hours worked must be recorded on the approved time record currently in use by the City. Employees must submit time records in accordance with City procedures and deadlines.
2. **Timing of Payment.** Overtime will be paid on the regular payday for the pay period in which it is earned, consistent with applicable law and City payroll practices.
3. **Regular Rate.** Overtime will be calculated using the employee's **FLSA regular rate of pay**, including all forms of remuneration required to be included by law, and excluding only those payments the FLSA permits to be excluded.

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## NONEXEMPT, NON-SWORN (NON-LAW ENFORCEMENT) EMPLOYEES

### E. Overtime Standard and Workweek

1. **Overtime Threshold.** Any nonexempt, non-sworn employee who works overtime will be compensated at the rate of **one and one-half (1.5) times** the employee's regular rate for **all hours worked in excess of forty (40) hours in a workweek.**
2. **Hours Worked Basis.** Overtime eligibility is based on **actual hours worked.** Paid time off (such as sick leave, vacation leave, paid administrative leave), holidays, and unpaid leave are **not** considered hours worked for overtime calculation purposes unless required by law or an applicable agreement.
3. **Defined Workweek.** For purposes of overtime calculation for nonexempt, non-sworn employees, the City's workweek begins at **12:00 a.m. (midnight) Saturday** and ends **11:59 p.m. Friday** (a 168-hour workweek).

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## NONEXEMPT, SWORN LAW ENFORCEMENT EMPLOYEES

### F. 28-Day Work Period (“Tour”) Under FLSA §207(k)

1. **Work Period.** Sworn law enforcement employees are subject to the **FLSA §207(k)** exemption and may have overtime calculated on a work period longer than one week and up to 28 days, as authorized by law and regulation.
2. **City Work Period.** For sworn law enforcement personnel, the City uses a **28-day work period (“tour”)**.
3. **Overtime Threshold.** Overtime will be paid at **one and one-half (1.5) times** the employee’s regular rate for **all hours worked in excess of one hundred seventy-one (171) hours** in the 28 consecutive day work period (“tour”).
4. **Hours Worked Basis.** Overtime eligibility is based on **actual hours worked**. Paid time off (such as sick leave, vacation leave, paid administrative leave), holidays, and unpaid leave are **not** considered hours worked for overtime calculation purposes unless required by law or an applicable agreement.
5. **Tour Calendar.** The payroll office will maintain and provide the established 28-day tour calendar upon request.