

## Release Notes

Overtime Compensation: September 2024

This policy has been reviewed and updated in response to customer feedback. Changes include:

- In **COMPENSATION**, content has been added to clarify when overtime pay or compensatory time may be required pursuant to the Fair Labor Standards Act.
- The Guide Sheet has been updated.

# Overtime Compensation

## 611.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

## 611.2 POLICY

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

## 611.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

[Nonexempt employees are generally entitled to overtime pay or accrual of compensatory time for work over 40 hours in a given workweek \(29 USC § 207\). Nonexempt employees working a shift schedule \(e.g., first responders\) should consult with the \[personnelAgency\] for information about hours of work for which overtime pay or compensatory time is required.](#)

Holiday, vacation, and sick leave taken are not counted towards the 40 hours worked for general city employees. Holiday, vacation, and sick leave are not counted towards the 85 hours worked for officers of the Police Department.

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the City Manager or Mayor .

## 611.4 REQUESTS FOR OVERTIME COMPENSATION

### 611.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.

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- (b) Record the actual time worked in an overtime status using the city-approved method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to city payroll procedures.

### **611.4.2 SUPERVISOR RESPONSIBILITIES**

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.
  - 1. After the head of the department has authorized compensation, the request shall be submitted to the City Manager or the authorized designee as soon as practicable.

Supervisors may not authorize or approve their own overtime.

### **611.5 VARIATION IN TIME REPORTED**

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the City Manager, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

### **611.6 REQUESTING USE OF COMPENSATORY TIME**

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt city operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).