City of Winder Personnel Policy Manual
Title: Reporting Time & Overtime
Date Issued: 03/2013
Policy: 070

Mayor

City Administrator

70.10 Purpose

It is recognized that at times, due to operational delays or other unforeseen emergences that certain work cannot always be completed during normal business hours or during a single shift. In such situations, supervisors must exercise independent discretion in the use of overtime, and in doing so, balance business and public safety needs within financial constraints.

70.11 Definitions

A. ***Overtime*** - is defined as hours worked in excess of the standard work week with the approval of the department head. "Standard work week" for overtime computation is 40 hours for all employees except those police employees with a regular biweekly 84 hours and fire employees listed at 106 regular biweekly hours. These employees shall be eligible for overtime when required to work in excess of regularly scheduled shifts.

B. ***Exempt employees*** - are paid an agreed amount for the whole job, regardless of the amount of time or effort required to complete the work. Exempt employees are expected to work 80 hours biweekly.

C. ***Non-exempt employees*** - are paid for each hour worked, and shall record each hour worked on the authorized payroll system. If the employee works more than their designated hours in one workweek/pay period, the employee may be eligible for overtime compensation.

D. ***Call Back*** - is when an employee is being called in to perform emergency work as needed after normal scheduled hours.

E. ***Emergency Work*** – an unforeseen combination of circumstances, which requires employees to perform unplanned work in order to protect public health, critical city services, and/or safety.

70.12 Authorization

A. Overtime shall be assigned by the immediate supervisor, Department Head or City Administrator to meet essential operating needs. Overtime by non-exempt employees must be approved in advance, but if worked it should be compensated, when approved. An employee is expected to report approved overtime worked.

B. Overtime work may be approved to carry out regular assignments, but shall be utilized in situations to maintain necessary City services. Overtime pay may not be used to affect pay adjustments nor payment for work that can be

scheduled at another time or by other personnel that would otherwise not incur overtime.

C. The assignment of overtime shall be as equitable a basis as possible so as not to burden any one employee or group of employees while at the same time taking into consideration, timelines and efficiency.

D. Whenever possible, supervisors shall adjust an employees schedule within the pay period to avoid all overtime.

E. When requested, employees are expected to work overtime to complete work assignments that cannot be left until the next available workday.

70.13 Meal Periods

A. Under the *Fair Labor Standards Act*, bona fide meal periods of at least thirty (30) minutes long generally are not compensable time. If an employee works at least a six (6) hours shift and is able to be relieved from duty for the purpose of eating, a minimum of thirty (30) minutes will be subtracted prior to any accumulation payable time or overtime.

B. An employee cannot decline a meal break in lieu of payable time or overtime if a break can be provided.

C. Designated public safety personnel and certain safety sensitive personnel that are compensated for meal breaks are exempt from this section (70.13)

70.14 Reporting Overtime

A. An employee is expected to contact his immediate supervisor prior to engaging in any overtime, except in situations of public safety.

B. Any overtime exceeding 20% of the employee's regular shift shall be entered into the note or appropriate section in the electronic time management system, with a brief summary of the work performed and the reason for the overtime.

70.15 Overtime Compensation

A. Compensation shall be made on a time and one half basis for all hours worked for non-exempt employees.

1. Overtime shall be accrued and compensated for in fifteen-minute increments. When periods of less than seven (7) minutes are involved, no overtime is credited. For periods in excess of seven (7) minutes, overtime is credited.

2. Overtime payment shall be computed on base rate of pay and shall not include any incentive payments.

B. Overtime payments shall not be made to exempt employees or employees working without authorization. The City Administrator shall have final authority for all exceptions made in terms of classification and shall be effective on a City-wide basis.

C. All paid leaves of absence (including holidays) will not be counted as hours worked in computing overtime unless the employee is responding to an official call back situation (e.g. 8 hours of vacation and 38 hours regular work would equal 46 hours of pay at the standard rate).

D. Contract employees are assigned an hourly rate or contract price based on the job and are not eligible for adjustments.

70.16 Call Back

A. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours. All such call-back hours will be paid as overtime hours, regardless of the number of paid leaves of absence during the employee's work week, when the overtime threshold has been met.

B. If the employee schedules regular work after normal hours, than pay is based on the actual amount of time needed to perform the job rounded to the nearest 15 minutes. Scheduled after hours work in which overtime will be incurred is subject to prior approval.

C. An employee called to work within one hour before his normal shift time and who continues working into his regular shift, will not be considered to be either called in or called back and will be paid only for all hours worked. (e.g. normal work starts at 8:00 a.m. and you are asked to come in at 7:00 a.m.).

D. Call back can only be initiated by the appropriate Department Head or the City Administrator.

E. If the employee is called backed due to neglect of duties not performed during normal scheduled hours, the two (2) hour minimum would not apply.

F. Exempt employees may be eligible for discretionary time when responding to after hours emergency work involving a natural disaster. The City Administrator has the discretion to determine what constitutes a natural disaster.

70.17 Compensatory Time

A. Exempt employees are not provided compensatory time. By virtue of the position are required to be on call to supervise or perform other duties within the specified worked hours assigned by their Department Head or City Administrator and subject to call back as needed.

B. Department Heads are authorized to issue compensatory time within a pay period to equal the normal amount needed to non-exempt employees (e.g. 80, 84 or 106 hours per pay period). Compensatory time is not intended for any time beyond the normal work week and will only be considered in extreme circumstances or when asked to perform duties outside of one's normal duties.

C. All compensatory time approved will be marked as such on official timesheets, both when it is earned and when it is used. The Human Resources Department will maintain the official compensatory time records. A maximum of 72 hours maybe maintained by an employee.

D. Supervisors are responsible for ensuring that employees take accrued compensatory leave within a reasonable time period after it is earned.

E. Compensatory time not used by June 15th will be paid on the next regular pay cycle.

70.18 Recordkeeping

A. Non-exempt employees must accurately record the number of hours worked each day on the employee time record. Exempt employees record either "presence at work" or "exceptions to regular work schedules" on the employee time record. Accurate record keeping of hours worked, and leave time used is the joint responsibility of each employee and his supervisor.

B. Supervisors will make every effort to ensure flex time is used in the same pay period it is earned. If circumstances do not permit the eligible employee to use the time within the same pay period, overtime may be recorded in accordance with policy.

70.19 Requirement to Work Overtime to Ensure Public Safety

All employees, in all departments, are required to work overtime as requested by their supervisors as a condition of continued employment when leaving their position may jeopardize public safety, cause additional liability to the City, or constitutes an emergency. Refusal to work justifiable overtime may result in disciplinary action. Supervisors will make reasonable efforts to balance the personal needs of their employees when assigning overtime work.

70.20 Complaint Procedure

An employee who has a complaint about how overtime was calculated shall discuss the issue in relations to this policy with his immediate supervisor. If further interpretation is needed, the employee should direct the complaint in writing (within fifteen days of the disputed date/pay period) to the Human Resources Department. The complaint will be responded to by the Personnel Officer or designee within fifteen working days of its receipt.