

Approved:



City of Commerce, California
Human Resources Policy and Procedure Manual

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[Signature]
City Administrator

SUBJECT: OVERTIME COMPENSATION FOR NON-EXEMPT EMPLOYEES

PURPOSE:

To establish uniform guidelines for the granting of compensation for overtime worked by non-exempt employees.

POLICY:

It shall be the duty of all department heads to operate their respective departments with a minimum amount of overtime. If the best interests of the City require that an employee work beyond the regular number of hours work scheduled, such employee shall be compensated as described below.

While overtime should be attempted to be distributed equally amongst all employees in a given classification, the department head retains discretion to assign such overtime.

Except for emergency situations requiring the immediate performance of work beyond regularly scheduled hours, all overtime work must be approved in advance by the department head. An employee who wishes to begin or end work at a different time must obtain written approval from his or her department head prior to working the different additional time.

If an employee works on his/her regular day off, the employee will receive paid compensation or receive compensatory time, with advanced approval from the department head before working the overtime. In certain circumstances, an employee's regular day off may be rescheduled to another day in the same pay period with a mutual agreement between the employee and his/her supervisor.

For full-time employees, holidays (including flex holidays and birthdays) not actually worked do count as time worked for the purpose of computing overtime. All other paid leave does not count as time worked for the purpose of computing overtime for full-time employees.

Departments are responsible for the maintenance of appropriate records concerning overtime and the proper preparation of time cards to report overtime compensation.

A. Positions Exempt from Overtime

For purposes of overtime compensation, all full and part-time employees who are not exempt under the provisions of the Fair Labor Standards Act (FLSA), and pursuant to the FLSA will not be eligible for overtime compensation or compensatory time.

B. Overtime Compensation for Non-Exempt Employees:

For purposes of overtime compensation, all full and part-time employees who are not exempt from the provisions of the Fair Labor Standards Act (FLSA) shall be paid at one and one-half (1 ½) for all productive worked over forty hours in a single workweek, except where the standard workweek has been altered by designation of the City Council, i.e., 9/80 schedule. In such cases, overtime shall be paid in keeping with the requirements of the Fair Labor Standards Act.

The Department Head may reschedule the workweek of employees in positions not exempt from the FLSA to allow credit for productive hours actually worked on one day (excluding meal periods) towards the regular paid workweek hours schedule. For example, if an employee works twelve (12) hours on one day, the entire 12 hours will be recorded on the time card as paid worked time. In this example, the department may schedule the employee to work only half day on one of the other scheduled workdays in the workweek, as long as the employee's hours for the workweek do not fall below the minimum paid work hours scheduled.

1. 9/80 Work Schedule – For full-time employees under the 9/80 schedule, overtime is not given at time and a half unless the employee actually works in excess of eighty (80) productive hours (including paid rest breaks) in a two week pay period.
With a mutual agreement between an employee and his/her supervisor, an employee's regular 9/80 day off may be rescheduled to another day off in the same pay period.
2. 5/40 Work Schedule – For full-time employees under the 5/40 hour work week, overtime is not given at time and a half unless the employee actually works in excess of forty (40) productive hours (including paid breaks) in a single workweek.
3. 4/10 Work Schedule – For full-time employees under the 4/10 hour work week, overtime is not given at time and a half unless the employee actually works in excess of forty (40) productive hours (including paid breaks) in a single workweek.
4. Holiday Schedule – if a full-time employee works on a City-recognized holiday, as approved by City Council, the employee shall receive eight (8) hours of holiday pay for 5/40 work schedule; ten (10) hours of holiday pay for 4/10 work schedule; or 9 hours of holiday pay for 9/80 work schedule (unless the regular workday is less than the 9 hours) in addition to the hours worked for the purpose of productive time for computing overtime.

C. Double Time

Except for Camp Commerce employees, double time is paid for hours worked over twelve productive hours (including paid breaks) in a single day or for hours worked on the seventh consecutive day of work in the seven day workweek. Part-time employees are paid double time on the seventh consecutive day of work in the seven day workweek regardless of hours worked.

D. Compensatory Time

In lieu of cash payment, an employee may request compensatory time off for overtime worked, subject to approval of the department head. Accrual of compensatory time off shall be limited at any point in time to 240 hours of compensatory time which is determined by multiplying the number of hours of overtime worked by the appropriate factor of 1 ½ or 2. Compensatory time accrued in excess of 240 hours shall be paid.

E. Separation

A person who separates from employment, takes an unpaid leave of absence, retires, or has not been compensated overtime, shall be paid for such overtime upon termination of employment, unpaid leave of absence, retirement, or layoff. In the case of an employee whose service to the City is terminated by death, such payment shall be made to the person entitled thereto.

F. Call-time

Call time shall be that period of time other than regularly scheduled working time, when an employee at the direction of the department head is on standby duty, is required to remain in the immediate area, and is available to receive and respond to calls for emergency service. In the event an employee is called back or on stand-by the compensation of said hours shall be as follows:

1. Stand-by Pay – Full-time and part-time employees who are assigned to “stand-by” with Department Head approval will be provided a pager/radio or cell phone and must report to the designated location within one (1) hour from the time paged. Employees will be provided two (2) hours of Stand-by pay for each day the employee is assigned to stand-by status. Full-time and part-time employees will be provided two (2) hours of stand-by pay when assigned to work during overnight excursions and required to stay within the premises of the designated location. If the two (2) hours Stand-by pay is over the 40 productive hour workweek or 80 productive hour workweek for 9/80 schedule, the two (2) hours will be paid at time and a half.
2. Emergency Call Backs – Full-time and part-time employees who are “called back” to work due to emergencies and security call-outs will be given credit for a minimum of two (2) hours even if the employee worked less time. If hours worked is over the forty (40) productive hour workweek or 80 productive workweek for 9/80 schedule, the actual time worked will be paid at

time and a half and the rest will be paid at straight time. If the employee works over the two hour minimum, the actual time worked will be paid at time and a half.

3. Emergency Premium Pay – Full-time, part-time and temporary employees will be compensated at time and a half (1 ½) for all time worked beyond their regular work schedule in a day due to a state of emergency being declared by either the City Council or City Administrator. These employees will still be compensated at the double time rate when other policies apply.

PROCEDURE:

| Responsibility | Action |
|-----------------------|--|
| Employee | <ol style="list-style-type: none">1. Employee must receive approval in advance by the Department Head prior to working overtime.2. May request compensatory time off for overtime worked, subject to approval of the Department Head. |
| Department Head | <ol style="list-style-type: none">3. Department Head may approve requests for overtime pay or compensatory time off.4. Shall be responsible for the maintenance and proper preparation of time cards concerning compensatory time. |