

## **The Pay Plan – Overtime**

- 1.0 Purpose** To provide guidelines for the payment of overtime or compensatory time when an employee works beyond the hours of a normal work week.
- 2.0 Applicability** To all Bladen County employees
- 3.0 Policy**
- 3.1 The County abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The County will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable to employees of Bladen County who are nonexempt under the Fair Labor Standards Act.
  - 3.2 Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during breaks or at any time that they are not scheduled to work unless they receive approval from the immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as possible following completion of the work.
    - 3.2a Department heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.
    - 3.2b Based upon the provisions of the Fair Labor Standards Act, non-exempt employees work which has not been requested by management but is endured or permitted, is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted, it is considered overtime hours when in excess of 40 hours in the work-week, although the work had not been specifically authorized.
  - 3.4 Computation for overtime will include actual work hours over and above: 171 hours for a 28 day work period for law enforcement officers and detention officers.
  - 3.5 Sick leave, holidays and vacation time off in a work period will not count toward computing overtime hours.
  - 3.6 It is the policy of the county, in agreement with its employees, that employees receive compensatory time off at a rate of one-and-one-half (1-1/2) hours for each hour of overtime worked. It is the goal of Bladen County to provide a work load that can be processed within the normal working day. Work in excess of the regular schedule is discouraged unless absolutely necessary. Compensatory time ("Comp Time") is earned by all non-exempt Bladen County employees who work additional time in conducting county business. Exempt employees earn comp

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time on an hour per hour basis and are not guaranteed this time off. The Human Resources Director maintains a listing of all exempt positions.

- 3.6a Non-exempt employees will receive compensatory time off for hours worked in excess of their regularly scheduled weekly hours. An employee will be credited with one and one-half hours comp time for each hour actually worked (excluding holiday, vacation, sick leave or compensatory time taken) in excess of 40 hours per week.
- 3.6b For employees of the Department of Social Services, non-exempt personnel scheduled to work on an on-call basis will earn pay at a rate of time and one half for each hour in excess of 40 hours for on-call duty outside of normally scheduled work hours. Employees who work between 37.5 and 40 hours are paid straight time. The time these employees work must be recorded daily on their time sheets. If work is conducted outside of regular hours, the case ID and/or nature of work should be recorded on the time sheet. Employees must obtain prior approval from their supervisors for comp time earned.
- 3.6c Employees wishing to use accrued compensatory time must request it from their supervisor. Use of such time will be allowed within a reasonable (two pay periods) time following the request as long as the use does not unduly disrupt the operations of the county.

Department heads will be responsible for administering their compensatory policies by allowing employees to take accrued compensatory time in a timely manner so that compensatory hours will not accrue to excessive levels. In situations in which compensatory time off is not practical, employees will be paid monetary compensation included in the employee's regular paycheck for overtime; however, overtime monetary compensation must be approved by the county manager.

#### **4.0 Non-Exempt Employees**

All nonexempt employees must use all accrued compensatory time within the pay period in which it was earned, but certainly no later than the following pay period. Nonexempt employees who are called back to work outside regularly scheduled working hours will be credited for at least two (2) hours work.

##### **Exception for Non-Exempts**

- 4.1 When specific, extraordinary working conditions warrant (ex. extreme weather conditions, acts of terrorism, declaration of state of emergency), the County Manager may authorize non-exempt employees to be paid for overtime, rather than accumulated as comp time. This is a privilege granted by Bladen County and is subject to change. If paid overtime is approved, the following provisions apply:

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- 4.1a Employees approved to be paid overtime must maintain a record of all hours worked and account for their full work period either in hours worked or leave taken.
- 4.1b Overtime will be paid at a rate of one-and-one-half (1-1/2) hours for each hour of overtime worked in excess of 40 hours.

### **5.0 Exempt Employees**

Certain employees are exempt from overtime provisions of the Fair Labor Standards Act. Exempt status is determined based upon an evaluation of the specific job descriptions and duties of the employees involved. Exempt employees are allowed compensatory time on an hour per hour basis and are not guaranteed this time off. **Exempt employees who resign or are otherwise dismissed will not be compensated for any unused compensatory time.**

- 5.1 Exempt employees are expected to work whatever numbers of hours are required in order to accomplish their duties rather than being paid for the number of hours worked in a workweek, but are allowed to take compensatory time on an hour per hour basis for each hour worked over 37.5 hours whenever possible/ Exempt employees may not be paid for hours worked in excess of their regularly scheduled work period, except as noted below.
- 5.2 When specific, extraordinary working conditions warrant (ex. extreme weather conditions, acts of terrorism, declaration of state of emergency), the Board of Commissioners may authorize exempt employees (department heads and below) to accrue and be paid for overtime on an hour for hour basis. This is a privilege granted by Bladen County and is subject to change. If overtime is accrued by exempt employees, the following provisions shall apply:
  - 5.2a Employees approved to be paid overtime during these conditions must maintain a record of all hours worked and account for their full work period either in hours worked or taken.
  - 5.2b Overtime will be paid on an hour for hour basis.
  - 5.2c Overtime may not be transferred to a vacation or sick leave account, transferred to another employer/employee, nor accumulated to be taken at a later date.
  - 5.2d Overtime is based on hours worked over 40 in a workweek or for a 28 day work period for law enforcement.
- 5.3 It is Bladen County's belief that a policy allowing the earning of compensatory time for it's exempt employees provides a benefit for such employees that is not inconsistent with their exempt status under the Act but rather is a fair and accurate tool for personnel administration. In the event such policy is determined to cause employees categorized as exempt by the County to be considered nonexempt under the Act, the policy shall be void and of no effect.

### **6.0 Compensatory Time**

Compensatory time shall be used whenever possible during the employees' normal work week to minimize any overtime requests. Any additional hours

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must be paid at 1½ times the rate of pay. All non-exempt employees have two pay periods to take any compensatory time accrued and must use all compensatory time prior to use of annual or sick leave. Should the employee be unable to take this time off, the Department Head must send a written request to the county manager explaining why the employee was unable to take the time off and to request payment for the unused compensatory time.

Whenever possible, department heads will use an hour-off plan during the employees' normal work week to minimize compensatory hours and ensure the employee does not exceed his or her normal work week hours. The hour-off plan will be on an hour off per hour worked basis. Department Heads should anticipate and schedule work requirements in order to limit overtime hours.

A simple illustration of the hour-off plan is as follows:

An employee is paid on a biweekly basis of \$400 at the rate of \$200 per week for a period of a 40-hour work week. In the first week of the pay period, the employee works 44 hours and would be due (40 hours x \$5 + (4 hours x \$7.50), for a total of \$230 for the week. So that the payment of \$400 at the end of the biweekly pay period will satisfy the monetary requirements of FLSA, the employer permits the employee to work only 34 hours during the second week of the pay period. The employee is entitled to \$170 for the second week (34 hours x \$5), thus \$400 (\$230 + \$170) for the biweekly pay period.

Any compensatory time accumulated and/or taken off will be kept by each non-exempt employee and verified by the department head on an approved county time sheet. Non-exempt employees are required to delete compensatory time before annual and petty leave is allowed to be taken. Department heads should ensure that accumulated compensatory time is taken no later than the end of the two (2) pay period cycle which it was earned.

In the event it is impossible for time-off hours to be used during the pay period, department heads should ensure that compensatory payment for excess hours is computed and paid within the two (2) pay period cycle in which it occurred.

The Bladen County Board of Commissioners can declare a state of emergency or disaster situation and the manner for taking compensatory time will be adjusted. In a declared (by the Commissioners) "disaster" situation, the period of time a department head may allow an employee to take compensatory time off, prior to payment, may be extended one additional pay period. This period of taking comp time would be defined as follows: the pay period in which the comp time is earned, plus the next two pay periods. If the comp time is not dissolved at the end of this allotted time, the employee shall be paid. In the event of a declared (by the Commissioners) state of emergency or significant event with Bladen County, the Board of Commissioners, in order to protect the health, safety, and welfare of citizens, may deem it necessary to immediately waive the

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compensatory time requirement and compensate employees monetarily for overtime worked in conjunction with the emergency or event.