

Overtime

The County recognizes that occasionally non-exempt employees may be required to work overtime in order to provide essential governmental services. It is County policy and in compliance with the Fair Labor Standards Act that non-exempt employees who are required to work overtime be compensated for their extra efforts. Since uncontrolled overtime can result in dramatically heightened costs, the County must ensure adequate management of overtime.

Except in the case of an emergency, overtime must be approved in advance by both the supervisor and the County Administrator in accordance with the guidelines established by the County Administrator. Employees who refuse to work overtime or fail to appear when notified and scheduled to work overtime may be subject to disciplinary action up to and including termination. Working unauthorized overtime may also subject an employee to disciplinary action up to and including termination.

Compensation for non-exempt employees covered by the Fair Labor Standards Act who are authorized by their supervisor and/or the County Administrator to work more than forty (40) hours in a work week, will be compensated at the rate of 1.5 times the hourly rate of pay for each hour in excess of forty (40) hours within the seven-day, defined work week.

Law Enforcement and Fire Fighter Overtime

Overtime for law enforcement and fire fighters shall be based on a twenty-eight (28) day cycle with overtime being paid for any hours worked in excess of 171 hours for law enforcement and 212 hours for fire fighters during the cycle. Holiday, vacation, sick or bereavement time taken will not be counted as hours worked when computing overtime or compensatory time.

Compensatory Time

At the request of the employee concerned, and with the approval of the County Administrator, a non-exempt employee who has accrued compensatory time may be granted paid compensatory time off at the rate of time and one-half for hours actually worked. The supervisor and employee must make every effort to take compensatory time off within thirty (30) workdays, unless otherwise approved by the County Administrator. Compensatory time should be used first. An employee may not accrue more than 240 hours of compensatory time, except for firefighters

and law enforcement who may accrue 480 hours of compensatory time under the Fair Labor Standards. Compensatory time may be used during the introductory period.

Exempt employees, by definition, are exempt from the overtime and compensatory time off requirements of the Fair Labor Standards Act. Hence, exempt employees have no legal entitlement to compensatory time off. However, the County Administrator may, in his/her sole discretion, grant additional paid time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule, but no exempt employee has a right to such additional paid time off. As a result, upon termination, there is no payment to exempt employees for compensatory time even if the County's employment software may appear to show an accrual of compensatory time.

Family and Medical Leave

Special notes:

Please refer to the Appendix to this Employee Handbook which contains information directly from the federal government regarding the Family and Medical Leave Act (FMLA). If, as time passes, there is any difference between the federal government's official interpretation of FMLA and this County policy, the County will use the federal government's official interpretation.

This policy does not create contract rights. In no case will an employee have a greater right to a job than s/he would have had if s/he had not taken leave under this policy. An employee and/or the employee's department head must notify the Human Resources Department if the employee is going to be out three (3) or more days.

The FMLA requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy. As a general rule, employees must request leaves of absence under this law and policy but, in appropriate situations, employees may be placed on FMLA leave status without application. In addition, FMLA does not allow an employee to decline FMLA leave.