

	PERSONNEL POLICIES AND PROCEDURES		SUBJECT: OVERTIME AND COMPENSATORY TIME
	NUMBER: EMP 7.0	REVISIONS: <u>1</u>	EFFECTIVE DATE: <u>10/17/2011, June 2, 2014</u>
	SUPERCEDES: <u>10/17/2011</u>	APPROVED AND ADOPTED BY MAYOR AND COUNCIL: A. Max Bacon, Mayor, Date Eric Taylor, City Administrator, Date	

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PURPOSE: The purpose of this policy is to define the City of Smyrna's compensation schedule for actual authorized overtime work that exceeds any eligible non-exempt employee's normal work schedule.

STATEMENT OF POLICY

It is the policy of the City of Smyrna that all work performed by non-exempt employees shall, to the greatest extent possible, be completed during the employee's normally scheduled work day or shift. In instances where a non-exempt employee must work hours in excess of the maximum permitted for their respective work period, the City will comply with the provisions of the federal *Fair Labor Standards Act* (FLSA) and applicable State regulations.

Supervisors shall work with schedules to minimize overtime and compensatory time accruals. However, when conditions arise which, by the determination of the immediate supervisor and/or department head, necessitate that non-exempt employees work overtime, employees will be expected to work such overtime as approved and assigned by their supervisor and/or department head.

The City will try to provide employees with as much advance notice as is practical ~~is~~ when the employees will be required to work overtime.

Exempt Employees - Exempt employees (i.e., employees who qualify for an exemption from FLSA overtime provisions because they meet the test of executive, administrative, or professional exclusion) are paid on a straight salary basis for their overall job responsibility rather than for actual hours worked. Thus, any additional hours worked by exempt employees will be without additional pay in accordance with FLSA regulations. Any compensatory time off for exempt employees will be given at the discretion of the respective department head or the City Administrator upon careful consideration of departmental workload and needs.

Non-Exempt 40-Hour/Week Employees - Non-exempt, non-public safety employees (i.e., those who are scheduled to work 40 hours during a seven-day work period) will be paid at their regular hourly rate of pay (i.e., straight time) for all **hours actually worked** up to and including the fortieth hour in each seven-day work period (i.e., 12:00 a.m. Monday through 12:00 midnight the following Sunday).

The only exception occurs when a non-exempt, non-public safety employee **actually works on a holiday**, in which case the actual hours worked on the holiday will be compensated as overtime pay or compensatory time (1 ½ hours for each hour worked).

If the total hours actually worked the remainder of the seven-day work week (excluding the 8 straight-time holiday hours) EQUALS more than 40 hours, the employee will receive either overtime pay or compensatory time as agreed upon for all actual hours worked over 40.

Overtime Pay OR Comp Time - For all hours actually worked in excess of 40 hours in each seven-day workweek, non-exempt, 40-hour per week employees will either receive overtime pay at the rate of 1 ½ times their regular hourly rate of pay **OR** they will receive compensatory time off at the rate of 1 ½ hours for each hour over 40 worked. The respective department head will make the final decision on whether overtime pay or compensatory time off will be granted.

Note: Compensatory time off will only be granted upon mutual understanding of the employee and the department head before the actual overtime hours are worked.

Non-Exempt Public Safety Employees - Non-exempt law enforcement or fire protection employees who are scheduled to work assigned shifts during ~~either a 14-day (law enforcement) or a 28 day (fire protection)~~ work period will be paid their regular rate of pay (i.e., straight time) for all **hours actually worked** up to and including the following in each designated work period: ✽

<i>Law</i>	<i>Fire</i>
<u>Enforcement (14 day)</u>	<u>Protection (14 28 day)</u>
86 hours ✽	106 112 hours ✽

Overtime Pay OR Comp Time - For all hours worked in excess of the above hours in each respective work period, non-exempt, law enforcement and fire protection employees will either receive overtime pay at the rate of 1 ½ times their regular rate of pay **OR** they will receive compensatory time off at the rate of 1 ½ hours for each overtime hour worked. *As approved by the employee's immediate supervisor and/or department head.

* *Special rules apply for non-exempt law enforcement and fire protection shift personnel with respect to variable duty cycles, "short pay" periods, shift differentials, training time, court time, and holidays. Employees should consult their respective department head or the Human Resources Department for additional clarification.*

Other Public Safety Employees - Even though employed in the Police/Communications or Fire/EMS Departments, certain other non-exempt employees in the departments (such as communications operators, administrative support personnel, etc.) are regulated by the normal 40-hour overtime standard described above if he or she is not:

1. A trained uniformed or plainclothes member of the Smyrna Police Department with the power to arrest who is empowered by statute or local ordinance to enforce laws designed to maintain public peace and order, and protect life and property, prevent and detect crimes, and have the power to arrest; OR
2. A trained member of the Smyrna Police Department who has responsibility for controlling and maintaining custody of inmates and safeguarding them from other inmates.

Eligible non-exempt fire protection employees may accrue up to a maximum of **120** hours of compensatory time. Non-exempt law enforcement employees and 40-hours/week employees may accrue up to a maximum of 80 hours of compensatory time.

Occasionally, due to workload, an employee's compensatory time off balance may temporarily exceed the maximum level. When this occurs, the employees may be required to take compensatory time off or receive overtime pay for all hours in excess of the maximum.

Department heads are responsible for managing and controlling compensatory time accruals to ensure employees do not exceed the maximum level. For absences, compensatory time should be used before any other leave accrual balance is used, unless use would create a forfeiture of leave.

During employment, no employee shall receive payout of compensatory time except that amount which is in excess of the FLSA maximum limits.

Termination of Employment – Upon termination of employment, whether voluntary or involuntary (including retirement), any remaining compensatory time balance will be paid as a lump sum. In an effort to reduce compensatory time balance payout, the City reserves the right to require and instruct employees to utilize compensatory time prior to the actual termination date.

Employees electing COBRA or retiree health coverage may use compensatory time to pre-pay premiums.