



OVERTIME: NON-EXEMPT EMPLOYEES

I. PURPOSE

To provide guidelines to administer overtime pay to manage time and fiscal resources and comply with applicable federal and state wage and hour regulations ensuring an attractive and fair work environment.

II. SCOPE

This policy applies to non-exempt employees.

III. POLICY

Hours compensated at the overtime rate shall be defined as the hours actually worked in excess of forty hours in a work week (See [Hours of Work and Paydays #210](#)) or in excess of 106 hours in a 14 day cycle for firefighters, which are not banked as compensatory time. Benefit hours or compensatory time taken within the work week or work cycle are not used as the basis for calculating the actual hours worked.

NOTE: Only if the time worked is approved as special, holiday, call-back, or call-out overtime shall the employee be entitled to overtime pay when the actual worked hours in any given week are less than the requirements for overtime pay.

IV. GUIDELINES

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Unless otherwise noted in policy, paid sick leave, vacation, bereavement leave, jury duty, or any other leave of absences are not considered time worked for the purposes of calculating overtime.

Unless exempted by law, overtime is considered a condition of employment, and refusal to accept it when reasonable notice has been given is cause for discipline, up to and including termination. At the supervisor's discretion, an employee may be allowed to adjust their work schedule during a workweek to avoid overtime.

Overtime shall not be worked without authorization by the department and may be worked only if adequate funds are available in the department's budget. The preferable method for



overtime compensation is to schedule equal time off for the affected employee during the same work period in which he/she worked the overtime.

V. PROCEDURES

A. Authorization

When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Supervisors are accountable for distributing overtime assignments as equitably as practical to all non-exempt employees qualified to perform the required work, taking into consideration the costs associated. Refusal or other failure to work mandatory overtime may result in disciplinary action, up to and including termination. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor.

B. Compensation

Authorized overtime shall be compensated at the rate of one and one-half times the regular rate of pay or at the rate of one and one-half the hours of compensatory time or pay.

C. Compensatory Time

Compensatory time, in lieu of actual overtime pay, may be substituted provided that the supervisor and employee both agree and this agreement is made prior to the overtime being worked.

The maximum amount of compensatory time that may be accumulated at any one time shall be 80 hours and 120 for fire fighters. Once accrued, compensatory time must be taken as compensatory time off. An employee will be paid for any unused compensatory time upon separation. See [Compensatory Time #221](#)

E. Special Overtime



Special Overtime is payment at time and one-half for work done for a different City Department or for services that are to be reimbursed by an outside agency. The base rate of pay for special overtime may be different than the employee's regular rate of pay. This type of overtime is on a scheduled basis with prior authorization by the appropriate Division Director.

F. Call Out Time

Call Out Time is time worked in situations of emergencies when a staff person is called in to work from a scheduled "standby" status or is called in to work in situations of emergencies on an unscheduled basis. Compensation for call out time is on a time and one-half basis," with a minimum of 2 hours of time paid per each 24 hour period "called out."

NOTE: Does not apply to civil service employees.

G. Call Back Time

Call Back Time applies only to the civil service positions. Call Back Time is defined as situations of emergency, exigent circumstances, and/or time sensitive matters requiring personnel to perform work on an unscheduled basis.

Call Back Time must be pre-approved by a supervisor and is warranted for situations such as holding over a regular shift to take or complete a late call for service when necessary, being called in to maintain minimum staffing, being called in for a specialized duty that is unplanned and unscheduled. Compensation for Call Back Time may be paid on a time and one-half basis and will be paid for the actual hours worked.

H. Holiday work

Employees not regularly required to work on a City holiday (observed or actual) will be compensated at one and one-half times their regular hourly rate for hours worked. The holiday hours not taken will be banked for employees to take at a later date.

Patrol officers, Communications Operators, and Firefighters are regularly scheduled to work on holidays and will not be paid overtime if scheduled to work on an City holiday (observed or actual) with the exception of the Thanksgiving Day and Christmas Day holidays. See [Holidays #312](#)

VI. CONSEQUENCES OF OVERTIME OVERUSE



Supervisors who authorize staff members to work overtime without prior approval from management will be subject to disciplinary action. Supervisors who continually rely on the use of overtime hours in order to complete a week's work without it being deemed as extenuating by management will be placed on a performance improvement plan.

VII. CONSEQUENCES OF UNAUTHORIZED OVERTIME:

Employees who fail to obtain approval prior to working hours that extend beyond their normal workweek will be subject to disciplinary action. Repeated offenses may result in further disciplinary action up to and including termination.