



## OVERTIME FOR ELIGIBLE EXEMPT EMPLOYEES

### I. PURPOSE

To provide guidelines for administering overtime pay for eligible exempt employees, 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 eligible exempt employees ordered to respond to an incident, emergency, local state of emergency, disaster, or local state of disaster.

### III. DEFINITIONS

“Disaster” has the same meaning as defined in Section 2.76.120 of this Code.

“Eligible exempt employees” means FLSA exempt employees who have been identified by Department Directors as being essential to report to work during activation of the Emergency Operations Center (EOC); declaration of a local, state, or federal disaster; or as designated by the City Manager.

“Emergency” has the same meaning as defined in Section 2.76.120 of this Code.

“Emergency operations center” has the same meaning as defined in Section 2.76.120 of this Code.

“Incident” has the same meaning as defined in Section 2.76.120 of this Code.

“Local state of disaster” has the same meaning as defined in Section 2.76.120 of this Code.

“Local state of emergency” has the same meaning as defined in Section 2.76.120 of this Code.

### IV. POLICY

Eligible exempt employees may be ordered to work overtime. Supervisors are accountable for distributing overtime assignments as equitably as practical to employees required to perform work while also taking into consideration the associated costs.

Overtime for eligible exempt employees is only compensable when there is an incident,



emergency, local state of emergency, disaster, or local state of disaster and the eligible exempt employee is ordered to perform work in response to the incident, emergency, local state of emergency, disaster, or local state of disaster and the hours worked are in excess of forty hours in a work week (See [Hours of Work and Paydays #210](#)).

## V. GUIDELINES

Overtime compensation is paid to eligible exempt employees in accordance with federal and state wage and hour requirements. 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 for eligible exempt employees is considered a condition of employment and refusal to accept may be cause for discipline, up to and including termination. Overtime work is otherwise subject to the same attendance policies as straight time work.

Overtime compensation shall not be approved for eligible exempt employees outside of the parameters of this policy.

Overtime shall be compensated at the rate of one and one-half times the regular rate of pay.

## VI. CONSEQUENCES OF OVERTIME OVERUSE

Supervisors who order work to be performed or authorize compensation for eligible exempt employees to work overtime in violation of this policy or procedures will be subject to disciplinary action.

## VII. CONSEQUENCES TO ELIGIBLE EXEMPT EMPLOYEES OF UNAUTHORIZED OVERTIME

Hours worked in violation of this policy or procedures will not be compensated.