

SUBJECT: OVERTIME

PURPOSE: To establish policy guidelines for the recording, using, and auditing of overtime performed by employees of the Town.

STATEMENT OF POLICY: It is the Town policy to administer overtime in a fair and equitable manner in accordance with the Fair Labor Standards Act (FLSA).

Employees of the Town may be required to work in excess of his/her regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. To the extent that local government jurisdictions are so required, the Town shall comply with the FLSA. The Town Council shall determine which jobs are "exempt" and are therefore not subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

1. Exempt Positions

The following employees are exempt from overtime pursuant to the Fair Labor Standards Act:

Town Manager
Finance Officer
Director of Public Works
Chief of Police
Assistant Police Chief

2. Definitions

Overtime: Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate.

Overtime Compensation: Overtime shall be paid at a rate of one and one-half times the employee's straight time hourly rate. Note: If an employee is called in to work on a scheduled holiday, he/she shall be paid for the scheduled holiday at his/her normal hourly rate and receive a rate of one and one-half times his/her normal rate for the hours worked on the holiday.

Compensatory Leave: Overtime may be compensated in compensatory leave at the appropriate overtime rate at the request of the employee. Compensatory leave balances may not exceed 40 hours for Administration and Public Works Departments and 48 hours for the Police Department

3. Overtime Pay Provisions

The Town will compensate overtime work at the rate of one and one-half times the individual's regular hourly rate for hours "worked" which exceed the established workweek or work period. The following hours are not included in the calculation of actual hours worked:

- a) sick leave; or
- b) lectures, meetings, and training outside normal work hours when on a voluntary basis.

4. Overtime Pay Provisions for Exempt Employees

In a declared disaster (a higher level of government declaration), employees in positions determined to be exempt from overtime under the FLSA will have the option as determined by the Town Manager to receive financial compensation for services rendered to the Town. The amount of compensation will be determined as a corresponding function of the exempt employee's hourly rate.

5. Call-back Pay

The Town provides a continuous twenty-four hours a day, seven days a week service to its residents. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hour's wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously-scheduled overtime work.

6. Responsibilities

- a) Department Heads are the authorized authority for the approval of overtime requests.
- b) Each Department Head shall equitably administer the provisions of this policy within their respective departments.
- c) Department Heads shall ensure that all overtime or compensatory leave earned and used is recorded on the employee's time sheet as it occurs.
- d) Department Heads will exercise good judgment and discretion in the utilization of overtime or compensatory leave within their departments.
- e) Department Heads may schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in

accordance with the FLSA. This is considered an authorized alternative to the use of overtime.

EFFECTIVE: 04/01/98

LAST REVISED: 03/15/22

APPROVAL: _____
MAYOR

TOWN MANAGER