

**808.35 SUBJECT: WORK WEEK AND OVERTIME**

:1 OBJECTIVE:

Provide policies on City work time/payments. This procedure shall be applicable to, non-Civil Service, non-exempt City employees, except where otherwise provided for by collective bargaining agreements.

:2 AUTHORITY:

This procedure amended by City Council October 7, 2019, Item A-3.

:3 DIRECTION:

Human Resources Director, as an appointed official, serves at the pleasure of, and receives direction from the Mayor through the Chief Administrative Officer (CAO) or designee.

:4 METHOD OF OPERATION:

A. Definitions

1. ***Flexible Work Scheduling*** - the advanced scheduling of employees to meet workload requirements, usually based on safety and demand considerations. This differs from flextime, which is a variation in the scheduled time of an employee's workday.
2. ***Hours Payable*** - the hours an employee is credited as being in a pay status, as recorded on the Payroll Report (Time Sheets). Time swap hours worked in accordance with departmental policy shall be treated as hours payable for the originally scheduled employee.
3. ***Meal Time*** - the time scheduled by the Department Director for employees to eat during their daily work schedule.
4. ***Premium Compensatory Time*** - time off in lieu of pay for authorized work in excess of 40 hours *actually worked* in a regular work week for which an employee should be compensated at the rate of one and one half hours for each hour worked.
5. ***Premium Overtime*** - shall be paid at the rate of one and one half times the base hourly rate, or "super" rate when applicable. Work actually performed either as scheduled or with the knowledge of a supervisor or manager and which totals in excess of 40 hours in one workweek.
6. ***Rounding Time*** - payment for small increments of hours worked. Time worked shall be recorded on attendance report to the nearest 1/10<sup>th</sup> of an hour. Three minutes prior to and three minutes after scheduled start/leave time will be recorded as the scheduled start/leave time (e.g., an employee scheduled to start work at 8:00 a.m. clocks in at 7:57 a.m. will be recorded at 8:00 a.m., an employee scheduled to leave work at 5:00 p.m. clocks out at 5:05 p.m. will be recorded at 5:06 p.m., the nearest tenth of an hour.)

7. ***Straight Compensatory Time*** - time off in lieu of pay for authorized work time in excess of 40 hours of pay in a workweek, which does not qualify for premium compensatory time.
8. ***Straight Time Overtime*** - payment for hours worked in excess of 40 hours of pay in a work week which does not qualify for premium overtime.
9. ***Standby Duty*** - (on call time) - a period of time an employee is ordered by the Department Director to be accessible by telephone or other electronic device in readiness to perform actual work when need arises.
10. ***"Super" Rate*** - the hourly rate of pay used to compute payment of premium overtime. Includes calculations of recurring and non-recurring payments, such as stand-by pay, working higher classification, longevity and shift differential. This is applicable to those employees who have earned longevity or working higher classification pay and/or are entitled to stand-by or shift differential pay.

B. Policy

To ensure that employees are paid for time worked/accrued in an equitable and consistent manner, and in accordance with applicable laws and regulations.

No employee in a permanent or temporary non-civil service, non-exempt position will be allowed to work in more than one City job without specific approval of the Human Resources Director or designee. Seasonal employees may not work for more than one department.

C. Description

1. Work-Week

- a) The City's workweek begins on Sunday morning at 12:01 a.m. and ends Saturday night at 12:00 midnight.
- b) A regular workweek normally shall be 40 hours and may begin on any day of the week and at any hour of the day as designated by the Department Director. The day and hour need not be the same for all employees of a department.
- c) The workweek established for computation of overtime or compensatory time earned is a seven (7) day period beginning on Sunday at 12:01 a.m. and ending seven (7) days later on Saturday at 12:00 midnight. Hours reported for pay purposes shall fall within the hours payable categories established.
- d) The workweek for seasonal employees required to work weekends may be different from c. above to accommodate payroll-reporting requirements, if a written request from the department Director is approved in advance by the Human Resources Director or designee.
- e) Flexible Work Scheduling
  - (1) Whenever it is possible to do so with reasonable advance notice, Managers are encouraged to reschedule employee work hours within the workweek to accommodate anticipated personnel needs without requiring the payment of overtime. Unless otherwise provided in a

collective bargaining agreement, employees are not guaranteed the same work schedule each week. However, to the extent possible to accommodate outside needs of employees, work schedules should be prepared in advance and not altered except to meet unusual circumstances.

- (2) Changes in employee work schedules *must* be made so as to occur within the same workweek defined in c. above, otherwise overtime costs will be incurred.

## 2. Hours Payable

An employee's hours payable may include one or all of the following:

### a) Regular Time

Regularly scheduled work hours and other non-working hours such as holidays, personal leave, sick leave, jury duty leave, military leave, bereavement leave, blood bank leave, standby time, call back time, compensatory time. Regular time is paid at the straight time rate. Time shall be recorded through an electronic time keeping system to the nearest 1/10 of an hour.

### b) Compensatory Time

- (1) Is granted upon authorization of the appropriate Department Director or designee to employees working in a pay status in excess of 40 hours during the workweek.
- (2) Shall be authorized in advance for use by Department Director.
- (3) When used shall be recorded through an electronic time keeping system to the nearest 1/10th of an hour.
- (4) May be accumulated to a maximum of 90 hours. Any time earned which would result in a total accumulation of more than 90 hours must be taken during the work period earned or be paid at the appropriate overtime rate.
- (5) Is compensated at the premium rate only when hours actually worked exceed 40 hours during the workweek. Personal leave, sick leave, bereavement leave, jury duty, military leave, holidays, standby time, and other hours payable not actually worked shall not be considered as time worked.
- (6) Shall be paid at the hourly base rate upon death, retirement, or termination, subject to 90 hour limit as stated in above paragraph.
- (7) An employee shall not lose any compensatory time accrued when transferred from one non-exempt City position to another; however, when an employee transfers from a non-exempt position to an exempt position, the employee will be paid for compensatory time accrued at their current hourly base rate. This request for payment will be submitted on the time sheet by the losing department/office/division.

### c) Premium Overtime

- (1) Shall be granted to the employee who is required by the demands of the assignment and when requested by the appropriate Department Director or designated manager to work in excess of 40 hours in the work week.
- (2) Non-exempt employees shall not work outside of their scheduled working hours unless they have been ordered, requested or received specific authority to do so from their appropriate chain of command. This prior approval requirement also includes accessing the City Secured Intranet from home, cell phone, or other device for work purposes, such as checking e- mail, etc.
- (3) Is compensated at the premium rate only when hours *actually worked* exceed 40 hours during the workweek. Personal leave, sick leave, bereavement leave, jury duty, military leave, holidays, standby time, time swap hours and other hours payable but not actually worked shall not be considered as time worked.
- (4) Overtime shall be paid on the regular payroll, which covers the pay period or work cycle in which the overtime is worked. Time shall be recorded through an electronic time keeping system to the nearest 1/10 of an hour.

d) Call Back

Any non-Civil Service employee or non-exempt employee called to report back to their City work location after regular working hours shall be guaranteed a minimum of four (4) hours of pay at straight time.

If an employee has worked in excess of forty (40) hours during the workweek, callback hours actually worked shall be paid at time and one-half and the remaining hours at straight time. For example, an employee who has worked forty (40) hours during the week is called back to work and actually works two (2) hours. These two (2) hours are paid at time and one-half (3 hours), and recorded on the timesheet as premium overtime. The remaining one-hour is recorded as callback (CALBK).

If the employee called back to work actually works three (3) hours, these hours would be paid at time and one-half (4-1/2 hours) and recorded on the timesheet as premium overtime. Since the time paid (4-1/2 hours) exceeds the four (4) hour straight time guarantee, no additional pay is required.

The four (4) hour minimum guarantee shall apply only to the first call out in each twenty-four (24) hour work period, beginning with the employee's regular scheduled work starting time and continuing for the following twenty-four (24) consecutive hours. Any second call back in a twenty-four (24) hour period (after thirty (30) minutes from the conclusion of the earlier call-back) will be considered a separate call back, and the employee will be paid for hours actually worked.

e) Stand-By Pay (on-call pay)

Stand-by pay is compensation for hours the employee is in readiness to

respond should he/she be required to perform work. Such stand-by time is not considered hours worked. The employee shall be paid two-tenths (2/10) of one hour straight time pay for each hour on stand-by duty.

If the employee performs actual work during the stand-by period, it is considered as hours worked. If the employee physically reports to work at an authorized City work location, the 4-hour call back guarantee will apply, and the number of stand-by hours will be reduced accordingly.

f) Shift Differential Pay

Shift Differential pay is additional compensation of \$1.00 per hour paid to authorized non-bargaining unit employees in permanent full-time and permanent part-time positions for hours actually worked in authorized differential positions. (Refer to Policy and Procedure 808.10 - Shift Differential).

g) Mealtime and rest periods shall be scheduled in accordance with the requirements of the department. A bona-fide meal period is not considered work time. The employee must be completely relieved from duty for the purpose of eating meals. Rest periods (coffee breaks) may be given at the sole discretion of management and shall not exceed fifteen (15) minutes. Rest periods are considered time worked. Rest periods may not be combined.

h) Travel Time

(1) *Home to work travel time*

An employee who travels from home before the regular work day and returns home at the end of the day is engaged in ordinary home to work travel, which is a normal incident to employment and therefore not chargeable to work time. This is true whether the employee works at a fixed location or at different job sites.

(2) *Home to work in emergency situations*

An employee who has gone home after completing a day's work and is subsequently called out to perform emergency work shall be credited work time for all time reasonably spent on such travel. (Refer to Callback).

(3) *Home to work on special day assignments in another city*

An employee who travels outside the City limits for the City's benefit and at the request of the City to meet the needs of a particular and/or unusual assignment, will not be paid for time spent in traveling between home and the local railroad, bus or plane terminal, but must be paid for all other travel time, except for any time spent eating meals.

(4) *Work performed away from premises*

Any work performed at places other than an employee's usual work location(s), must be approved in advance by the appropriate Department Director or designated manager.

Work performed away from the usual premises must be counted as work time. Time spent in conferences and meetings during regular work hours is chargeable as work time.

Employer sponsored training programs, lectures and meetings, occurring outside normal work hours are not considered work time if attendance is voluntary, the employee does no productive work while attending, and the program is not directly related to employee's present job.

(5) *Travel from home overnight*

An employee traveling overnight on business must be paid for time spent in traveling during normal working hours on non-working days (such as Saturday, Sunday, and holidays), as well as on regular working days. They will not be paid for traveling outside these hours, except for time spent performing duties. Meal periods are excluded from payment during travel time.

(6) *When private automobile is used in travel away from premises*

Provided an employee making an overnight business trip is allowed to use his personal vehicle instead of public conveyance for the employee's convenience, the time that would have been spent in public transportation will be counted as hours worked.

(7) *Administration*

The Human Resources Division and the Accounting Operations are responsible for the administration of the Work Week and Overtime Procedure.

:5 FORMS:

Applicable payroll reporting forms.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

Policy and Procedure Section 708.35 approved by City Council September 30, 1974, Item 39; amended September 20, 1976, Item 18. Refer to Policy and Procedures Manual Sections 708.6 and 750.2; revised and renumbered to 808.35 and approved by City Council January 5, 1987, Item 8, A2; amended June 21, 1993, Item 2-P; amended November 1, 1993, Item 2MM; amended July 10, 1995, Item UU; amended September 25, 1995, Item 2S; amended March 24, 1997, Item 3BB; amended May 24, 1999, Item 5-LL; amended April 3, 2000, Item 2PPP; amended May 22, 2000, Item 8-ZZ; amended June 3, 2002; amended September 15, 2003; re-formatted only April 2004; amended December 13, 2004, Item A8; amended February 13, 2006, Item A5; amended May 10, 2010, Item A-2.; amended October 7, 2019, Item A-3.

:8 EFFECTIVE DATE:

This procedure effective October 7, 2019.