



# Unified Government Human Resources Guide

Effective 04-01-05

## OVERTIME/COMPENSATORY TIME

- I. General: In accordance with the Fair Labor Standards Act (FLSA), non-exempt employees who work more than 40 hours per week may be compensated by receiving compensatory (comp) time at the rate of 1.5 times hours worked overtime. Under this policy, exempt employees are not paid for working overtime, but receive an hour of comp time for each hour worked over 40 hours within the standard workweek
- II. Policy
  - A. In the event of either a natural disaster or a civil emergency, the Unified Board of Commissioners and/or the Administrator may institute a longer or shorter workday.
  - B. Comp time is that time off given instead of overtime pay.
  - C. The Unified Government's policy is to pay all its employees properly. It intends to pay exempt employees on a salary basis, less appropriate payroll deductions only and without deductions prohibited by law. It intends to pay non-exempt employees for all hours worked, less appropriate payroll deductions only.
  - D. Unified Government positions are divided into two groups, exempt and non-exempt.
    1. Exempt employees are designated in the Job Titles Index (available from Human Resources). They are exempt from the overtime requirements of the FLSA. Such employees earn and accumulate comp time after working more than 40 hours (except Fire Command Staff assigned to 24 hour shifts) during a workweek—at the rate of one hour of comp time (or portion thereof) for each hour (or portion thereof) worked overtime. Fire Command Staff earn and accumulate comp time after working more than 212 hours in a 28-day period.
    2. Non-exempt employees, when required to work overtime, receive comp time at the rate of one and one-half hours (or portion thereof) of comp time for each hour (or portion thereof) worked beyond 40 hours per workweek. Such employees are not exempt from the provisions of the FLSA and they are designated “non-exempt” in the Job Titles Index (available from Human Resources).
  - E. Authorization of overtime for non-exempt employees
    1. Overtime work may be authorized by the department head only when it is not otherwise possible to adjust staffing patterns and employee work schedules to provide essential staffing in either emergency or non-emergency conditions.
    2. Employees may not work more than 40 hours per week without obtaining a supervisor's approval prior to the time actually being worked.
    3. Distribution of overtime work: At all times, the department head has the authority and prerogative to require any employee to work overtime, as necessary. However, to the extent feasible, planned overtime shall be distributed equally among full-time employees of the same classification in a department, provided



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that the employees concerned are, in the judgment of the department head or supervisor, equally capable of performing the duties required and that the employees consent to work overtime.

4. The responsibilities of the department head in regard to overtime work are:
  - a. Determining when overtime work is justified;
  - b. Determining whether there is budget available for payment of overtime;
  - c. Finding time for employees to use comp time they have accumulated (keeping in mind the limits for non-exempt employees); and
  - d. Assuring that supervisory staff members maintain accurate and timely records of all overtime worked and of all accrued comp time used. Supervisors must complete the Overtime Worked and Comp Time Used form and obtain the employee's signature before the overtime is worked.
- F. Records of comp time will be kept by the appropriate record keeper, as directed by the Administrator in keeping with the centralized information system.
- G. Crediting comp time: Overtime hours are credited at the end of the 40-hour workweek. Therefore, if the department head grants comp time off during the same workweek in which the employee has worked overtime, no comp time hours shall be credited to such employee until and unless the net hours exceed 40.
- H. For the purpose of computing a 40-hour workweek for non-exempt employees under this policy, only actual hours worked and holidays are considered time worked.
- I. Travel/Attendance at meetings, conferences, and training programs
  1. Non-exempt employees
    - a. Time used for travel to or attendance at conferences and training sessions shall not be considered to be overtime worked when attendance is voluntary.
    - b. Attendance is considered voluntary unless all of the following apply, in which case the time is considered to be overtime worked:
      - 1) Attendance is outside the employee's regular working hours;
      - 2) Attendance is not voluntary but is required by the supervisor ("approved" is **not** the same as "required."); and
      - 3) The conference, meeting, or training program is directly related to the employee's job.
  2. Exempt employees: Time used for travel to or attendance at meetings, conferences and training sessions, shall not be considered to be overtime worked. Travel to or attendance at luncheon and dinner meetings on Unified Government business shall not be considered overtime worked, unless the employee's presence



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is **required** by the supervisor and it is beyond regular working hours. (“Approved” is **not** the same as “required.”)

J. Maximum limit for comp time accrual

Non-exempt employees: The maximum number of comp time hours which can be accumulated by non-exempt, non-public safety employees is 240 hours (1.5 x 160 hours of actually-worked overtime). Non-exempt, public safety employees have a maximum of 480 hours (1.5 x 320). After the limit has been reached, the employee shall be paid for any and all additional overtime hours worked.

K. Use and transfer of comp time

1. An employee shall be permitted to use accrued comp time within a reasonable period after it is accrued and within a reasonable period after making a request, if to do so would not unduly disrupt the operations of the division or department. Where possible, comp time should be used within a year of the date it is earned.
2. Comp time may be used in increments of one-fourth hour.
3. Transfer of accumulated time: The employee who is transferring to another department may either be allowed to use accumulated comp time prior to the transfer, or the comp time may be transferred along with the employee to the new department or paid out in lump sum by the department from which the employee is transferring at the discretion of the Administrator. Payout will be made for comp time earned in a non-exempt status. No comp time balances will be transferred along with the employee when transferring to a sworn position in the Fire or Police Department.

L. Payout at separation from employment and phase-out program (See also 3.3—Separation from Employment.)

1. Non-exempt employees will be paid for all accumulated comp time upon separation from employment at the employee’s rate of pay at the time of termination or a final three-year average, whichever is higher.
2. Exempt employees will not be paid out for any accumulated comp time except as follows:
  - a. Former KCK employees who have comp time which was “frozen” on January 1, 1998, upon retirement, will be paid out for the number of hours frozen.
  - b. Former KCK employees who separate before retirement shall not be paid out for both comp time and sick leave. The employee may choose to receive one or the other.



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M. Nothing in this policy shall prevent the payment by cash compensation for overtime worked by non-exempt employees, if the department or division has budgeted for such overtime pay. If overtime is earned and cash compensation is paid, such cash compensation will be paid on the next scheduled paycheck.

N. Complaint Procedure

If an employee believes a paycheck is incorrect in any way, that improper deductions have been taken from his or her paycheck, or that this policy has been violated in any way, the employee may contact the Human Resources Department within a week of receiving the paycheck. The Human Resources Department will promptly investigate the complaint. If a mistake has occurred on the part of the Unified Government, the mistake will be corrected promptly.

RELATED POLICIES: 3.3 Separation from Employment

RELATED FORM(S): Overtime Worked and Comp Time Used form