

## **OVERTIME, COMPENSATORY TIME, AND BENEFIT LEAVE BANKS**

**POLICY:** It is the policy of Black Hawk County to provide overtime compensation or compensatory time to eligible non-exempt non-bargaining employees for overtime hours worked in excess of forty (40) hours per week. It is also the policy of Black Hawk County to provide non-bargaining exempt and non-exempt employees (excluding department heads, elected officials and their appointed deputies) with benefit leave banks as provided in the benefit policies for non-bargaining employees.

**SCOPE:** This policy applies to all Black Hawk County non-bargaining employees except department heads and elected officials and their appointed deputies. Whenever the provisions of this policy are in conflict with federal or state laws or regulations, the provisions of the laws or regulations shall prevail.

### **DEFINITIONS:**

- A. **OVERTIME:** Vacation, holidays, sick leave, personal/casual days, paid time off (PTO), and other paid leaves of absence shall not count as time worked in determining when a non-bargaining non-exempt employee is eligible for overtime pay. Overtime shall be approved by the employee's supervisor prior to the performance of said work.
- B. **COMPENSATORY TIME:** Compensatory time is earned and accrued paid time off the job in lieu of cash payment for overtime worked by a non-exempt employee during a pay period. Approved compensatory time for non-exempt employees shall accrue at one and one-half (1 1/2) hours paid time-off work for every overtime hour worked. When a non-exempt employee leaves County employment, the employee will be paid for any accrued and unused compensatory time.

**ACCRUAL AND PAYMENT:** A non-exempt employee shall either be paid for overtime hours worked at the rate of one and one-half (1 1/2) times the employee's regular rate of pay, or shall accrue compensatory time at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Overtime shall not be paid more than once for the same hours worked, nor shall overtime pay be granted for hours taken as compensatory time off.

Non-bargaining non-exempt employees who are eligible for overtime may not accumulate more than eighty (80) hours of compensatory time. Once an employee has accrued the maximum eighty (80) hours of compensatory time, subsequent overtime hours worked shall be compensated as overtime pay.

**ADMINISTRATIVE PROCEDURES:** Overtime records and Fair Labor Standards Act (FLSA) compliance shall be administered in the following manner:

- A. **APPROVAL:** Work to be performed outside a non-exempt employee's usual work schedule must be approved in advance by the employee's supervisor. Compensatory time off must also be approved by the employee's supervisor prior

to use of the compensatory time.

**B. RECORD KEEPING:** The Auditor's Office, as part of its centralized payroll function for the County, shall be responsible for the maintenance and storage of all official payroll and employee time records in accordance with FLSA record-keeping requirements. All County departments will cooperate with the Auditor's Office in forwarding time cards, time sheets, and related payroll documentation to the Auditor's Office for all employees eligible to receive overtime compensation.

**C. COMPLIANCE WITH FLSA:** The Human Resources Department shall be responsible for administering the County's overtime pay policy and monitoring its compliance with the FLSA. The FLSA exemption status of a County job classification may be obtained from the Human Resources Department.

**EXEMPT EMPLOYEES:** Those non-bargaining employees who meet the executive, administrative, professional, or computer software personnel exemptions as defined by the Department of Labor are exempt from the overtime provisions of the FLSA. These exempt individuals' job responsibilities may require hours of work outside of and/or in addition to what is defined as a normal workweek and their hours of work per week shall be subject to workload responsibility.

Exempt and non-exempt employees (excluding department heads, elected officials and their appointed deputies) shall have benefit leave banks established in accordance with applicable benefit policies. Any time off, including partial day absences, will generally be chargeable to one of these leave banks.

Pursuant to the principles of public accountability practiced by Black Hawk County, an exempt employee's pay shall be reduced, or such employee placed on leave without pay, for partial or full day absences for personal reasons, or because of illness or injury when accrued leave is not used by an employee, for the following reasons:

- accrued leave has been exhausted;
- the employee has requested and been authorized to use leave without pay; or
- permission for leave has not been sought, or has been sought and denied.

Suspensions of exempt employees for disciplinary reasons may not be made for less than a full FLSA work period (a full work week), unless the suspension is for violation of a major safety rule or workplace conduct rule. Exempt employees may be subject to a full work day suspension of one day or more if the discipline is for violation of a major safety rule or workplace conduct rule (poor job performance or attendance is not considered a workplace conduct rule by the Department of Labor).

It is Black Hawk County's policy that improper pay deductions from exempt employees are prohibited. In the event an employee believes an improper deduction has been made, the employee should immediately report it to the Auditor's Office for prompt investigation. If it is determined that an improper deduction has occurred, the County shall promptly reimburse the employee for the error.