



PERSONNEL PROCEDURES 92-2

SUBJECT: Overtime and Compensatory Time

PURPOSE: To develop standardized procedures under which City of Clarksville employees are compensated for overtime work.

APPLICABILITY: These procedures apply to all full-time regular employees of the City of Clarksville.

REFERENCES:

1. Sec. 1-1318 "Overtime", Clarksville City Code
2. "Compliance with Federal Fair Labor Standards Act", Clarksville City Code.
3. Fair Labor Standards Act (FLSA) enacted by the U.S. Congress, 1938, as amended in 1966 and 1974 and such other regulations issued by the U.S. Department of Labor.

A. POLICY STATEMENT: The City of Clarksville will comply with the requirements of the Fair Labor Standards Act (FLSA) in determining employee hours and wages, overtime compensation and use of compensatory time in lieu of wages, except as modified and approved by the City Council. The City Council may approve more liberal standards, but the minimum acceptable standards are those established by the FLSA.

Overtime compensation of compensatory time may be approved by as Department Head in unusual, exceptional or emergency situations. With the exception of major emergencies, overtime shall be justified in writing by the Department Head. Overtime compensation or compensatory time in lieu of compensation may be approved only after a non-exempt (hourly) employee has worked 40 hours in a work week or in accordance with approved FLSA exemptions for public safety employees or certain recreational employees.

B. DEFINITIONS:

1. **FAIR LABOR STANDARDS ACT (FSLA):** Enacted by the U.S. Congress in 1938, as amended in 1966 and 1974. Enforcement and administration of the FSLA are the responsibility of the U.S. Department of Labor.
2. **EXEMPT (SALARIED) EMPLOYEES:** Those employees who are not covered or are outside the authority of the FLSA. Personnel in the City of Clarksville who are exempt

from the FLSA fall into either the Executive, Administrative or Professional exemptions. See paragraph D.2 for definitions.

3. **NON-EXEMPT (HOURLY) EMPLOYEES:** Those employees who are protected by the provision of the FLSA. Generally, those other than exempt (salaried) employees.
4. **MINIMUM WAGE:** That minimum hourly rate established by law. As of July 24, 2007, the current minimum wage is \$5.85 per hour and is scheduled to increase to \$6.55 per hour effective July 24, 2008, and to \$7.25 per hour effective July 24, 2009. The City will comply with any changes to the minimum wage rate as new rates are adopted by the Department of Labor. Employees need not be paid an hourly rate as long as pay covering each workweek equals or exceeds the minimum wage standard. Certain classes of employees are exempt from the minimum wage requirement and may include:

- Students
- Certain handicapped
- Apprentices
- Volunteers
- Trainees: first time student workers of at least 16 years of age up to 20 years of age, for a period of 90 day only.
- Certain recreational employees (Park and Recreation Department summer employees who meet either the recreational exemption or the student exemption may be paid less than minimum wage.)

Whenever a department wishes to pay an employee less than minimum wage and that employee does not clearly fall within the student or recreational exemption, a request to pay a sub-minimal wage must be approved by the Human Resource Department. Changes in the law regarding minimum wage standards will be disseminated to the departments by the Human Resources Director.

5. **OVERTIME COMPENSATION:** Overtime pay required by the FLSA is basically extra pay for the hours worked over the authorized number of hours in a work period, and is paid at the rate of one and one-half times an employee's regular rate. Only non-exempt (hourly) employees are entitled to overtime compensation.
6. **COMPENSATORY TIME:** Time off from work, granted by the employer in lieu of overtime compensation. Compensatory time is granted at the rate of not less than one and one-half hours of compensatory time for each hour of overtime worked. For

employees other than Public Safety, compensatory time may be accumulated but may not exceed 240 hours (160 hours of actual overtime work). For Public safety, emergency response personnel and certain seasonal employees, compensatory time may be accumulated but may not exceed 480 hours (320 hours of actual overtime work). Each departmental payroll section will monitor the accumulation of compensatory time to ensure compensatory time does not exceed the limits above set for by the Department of Labor. Any overtime worked beyond the limit of compensatory time must be paid in overtime compensation. Only non-exempt (hourly) employees are entitled to compensatory time in lieu of overtime compensation.

7. **EMPLOYER:** For the purpose of this procedure, the employer is the City of Clarksville, or a department head that is authorized to implement departmental policies and procedures.
8. **WORK WEEK OR WORK PERIOD:**
 - a. A work week consists of 7 consecutive 24 hour periods, i.e., 168 consecutive hours designated by the employer.
 - b. A work period is some number of consecutive 24 hour periods, i.e., 27 consecutive days or 28 consecutive days.
 - c. The work week or work period may begin at any time of day and any day of the week and end at any time of day or any day of the week.
9. **FLEXIBLE SCHEDULING:** A department head may provide a flexible work schedule to avoid paying overtime by allowing a non-exempt (hourly) employee to take time off during the work week or work period to compensate for time worked in excess of 8 hours in a day. The department head may change the employee's hours of work on a daily basis to meet the employer's work requirements, even if such schedule changes are intended to limit hours worked to no more than 40 hours for a work week or the number of hours authorized in a work period.
10. **EQUAL PAY:** Discrimination between employees on the basis of sex regarding the compensation received by employees within a department or within the City workforce for work performed under similar working conditions that require equal skill, effort and responsibility is prohibited under the Equal Pay Act.
11. **RECORDS:** Those records maintained on overtime compensation, exemptions, and other special provisions must be maintained for a minimum of 3 years.
12. **BONO FIDE VOLUNTEERS:** Generally defined as an individual who performs hours of service for the City for civic, charitable or humanitarian reasons without

promise, expectation or receipt of compensation for those services rendered. These volunteers are not subject to the FLSA. The City is permitted to reimburse the volunteers for expenses, reasonable benefits and nominal fees. This reimbursement may be in cash or in kind.

13. **PUBLIC EMPLOYEE VOLUNTEERS:** A City employee may not volunteer hours of service for the City in the same type of service which the individual is employed to perform for the City. For example, an accounting clerk may not volunteer, nor may a supervisor ask an employee to volunteer to do accounting duties in excess of the 40 hour work week. Likewise, a bus driver could not volunteer to drive a bus for the City for a special function if he or she has already worked the normal 40 hour work week. However, the bus driver could volunteer to serve as an umpire for Parks and Recreation Department, or the accounting clerk as a swimming instructor and compensation would not be required for these voluntary efforts. The City is permitted to reimburse the volunteers for expenses, reasonable benefits and nominal fees. These must be determined on a case-by-case basis.

14. **SALARY DEDUCTIONS AND OFFSETS:** An employee's wages may not be deducted for jury duty, military services or when called as a witness. In such instances, the City can offset any amounts received by an employee as jury or witness fees for a particular week against salary due that week. The City may deduct from salary for penalties imposed for infractions of safety rules where violation of such rules pose serious danger to the workplace or other employees.

C. GENERAL: Requiring employees to work in excess of the generally accepted standards is considered to be inefficient use of resources. Workers efficiency drops off dramatically and errors and accidents are more likely to occur. Overtime work therefore should only be required in cases of emergency or under other unforeseen or unusual circumstances and only when approved in writing by the Department Head. (Appendix E) The Department Head is not required to approve every situation in advance when overtime is required, but those overtime situations which occur with regularity may be approved by a departmental policy statement signed by the Department Head, (Appendix F) but may not exceed the standards established by this policy.

Overtime compensation must never be viewed as a device to provide increased compensation to employees, but rather as a penalty to the employer for failing to provide adequate resources during the regular work period. When it becomes necessary to have employees exceed the number of hours in the authorized work period, non-exempt (hourly) employees must be compensated or provided compensatory time in lieu of compensation in accordance with the established policies and procedures.

D. POLICY AND PROCEDURES

1. OVERTIME

Overtime pay must be paid at the rate of not less than one and one-half times the non-exempt (hourly) employees' regular rate of pay for each hour worked in excess of the maximum hours applicable to the type of employment in which the employee is applicable to the type of employment in which the employee is engaged. This usually means overtime for hours worked in excess of 40 per week. For the Clarksville Police Department, non-exempt (hourly) employees are paid straight time for the hours worked in 160 to 171 and are paid the overtime rate for hours worked in excess of 171 hours in a 28 day period, and for the Clarksville Fire Department, non-exempt (hourly) employees are paid the overtime rate for work in excess of 204 hours in a 27 day work period (this does not include admin employees). These exemptions for public safety personnel are referred to as the 207(k) or 7 (k) exemptions from the normal 40 hours in a 7-day workweek.

2. EXEMPT (SALARIED) EMPLOYEES

A. EXECUTIVE EMPLOYEES: Those employees who meet all of the following tests:

1. The employee must be compensated on a salary basis (as defined in the regulations) at a rate of not less than \$455 per week.
2. The employees primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise.
3. The employee must customarily and regularly direct the work of at least two or more other fulltime employees of their equivalent.
4. And the employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

B. PROFESSIONAL EMPLOYEES: Those employees who meet all of the following tests:

1. The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate of not less than \$455 per week.
2. The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in

character and which includes work requiring the consistent exercise of discretion and judgment.

3. The advanced knowledge must be in a field of science or learning; and the advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

C. ADMINISTRATIVE EMPLOYEES: Those employees who meet all of the following tests:

1. The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week.
2. The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers.
3. The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

D. COMPUTER EMPLOYEES: Those employees who meet all of the following test:

1. The employee must be compensated either on a salary or fee basis at the rate of not less than \$455 per week, or if compensated on a salary basis, at a rate not less than \$27.63 per hour.
2. The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties prescribed below:

The employee's primary duties must consist of:

- i. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- ii. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- iii. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- iv. A combination of the aforementioned duties the performance of which requires the same level of skills.

3. COMPUTING THE WORK PERIOD

When an employee is absent from work during the work period for any reason except a City approved holiday, the absent hours are deducted from the total hours worked in the cycle and overtime compensation will not be paid until the employee exceeds the maximum work hours in the work period as shown in the following example:

<u>DAY OF WEEK</u>	<u>HOURS WORKED</u>	<u>HOURS ABSENT</u>	<u>TOTAL HOURS WORKED</u>
Monday	8	0	8
Tuesday	6	2 (sick)	14
Wednesday	4	4 (annual)	18
Thursday	8	0	26
Friday	12	0	38
Saturday	4	0	<u>42</u>
Total Hours Worked in Work Period			42

In the example above, the employee would not be entitled to overtime compensation for the 4 additional hours worked on Friday nor for the first 2 hours on Saturday. The employee would be entitled to 2 hours of overtime because he/she exceeded 40 hours in the 7 day work period. By extension this same example would apply to Police and Fire Departments even though their work cycle differs.

The following example shows the calculation of hours worked in a cycle which includes a City approved holiday:

<u>DAY OF WEEK</u>	<u>HOURS WORKED</u>	<u>HOURS ABSENT</u>	<u>TOTAL HOURS WORKED</u>
Monday	0	8 (Holiday)	8
Tuesday	8	0	16
Wednesday	8	0	24
Thursday	8	0	32
Friday	8	0	40
Saturday	6	0	<u>46</u>
Total Hours Worked in Work Period			46

In the example above, the employee is credited for 8 hours worked on Monday, a holiday, which is added to the cumulative hours worked in the cycle. The employee would be entitled to 6 hours of overtime because he/she exceeded 40 hours in the 7 day work

period. By extension, this same example would apply to the Police and Fire Departments even though their work cycle differs.

4. **VOLUNTARY EMPLOYMENT**

Employees who, albeit voluntarily, either begin work before their prescribed starting time or who continue to work after their shift is over are engaged in compensable working time. The reason for the work is immaterial; as long as the Department Head “suffers or permits” (cause or allows) employees to work on behalf of the employer, proper compensation must be paid. Essentially, this means that once an employer allows the employee to work, or knows that the employee is working, and then the employee must be compensated. Management must make certain that overtime work it does not want performed is not in fact performed. Mere promulgation of a rule to the effect is not sufficient to avoid compensation for additional hours worked.

5. **START OF THE WORK PERIOD**

Employees who wait before starting their duties because they arrived at the workplace earlier than the required time are not entitled to be paid for the waiting time. However, if an employee arrives at the required time and then waits because there is not work to start on, then waiting time is compensable work time.

6. **WAITING TIME**

All time spent by employees in waiting while on duty must be counted as hours worked. Unless the employee is relieved from duty and allowed to leave the job, or the employee is relieved until a definite and specified time and the relief period is long enough for the employee to use the time as he or she sees fit, the time spent waiting is compensable.

7. **ON CALL TIME, STAND-BY-OR SHOW-UP TIME**

a. **On-Call Time**

Whether or not the time an employee is on call is counted as compensable time depends on the employee’s freedom while on call. If employees must remain on the employer’s premises or so near that they cannot freely use the time, the time is compensable. But if employees can come and go freely, even though they must leave a telephone number where they can be reached, or if they carry an answering or paging device, the time can be excluded from hours worked. The employer may, by agreement with the employees who are on call, pay a fixed dollar amount for the time the employee is on call. If the employer pays for this time by arrangement (ex. 1 hour pay at regular rate for the entire on-call period) this time is not counted as time worked in the number of hours worked in the workweek.

b. Stand-by Time

Workers, who are required to stand by their posts ready for duty, whether during lunch periods, during equipment breakdowns, or during other temporary work shut-downs, must be paid for this time. Such periods of time are usually short duration and their occurrence is not predictable. Since the employee is controlled by the employer during these periods, and is not able to use the time for his or her own purpose, this is working time. The following are examples of stand-by time or inactive time for which the employee must be compensated:

- A secretary who read a book while waiting for a work assignment.
- A firefighter who plays checkers while waiting for alarms.
- A utility worker who talks to fellow employees while waiting for equipment to be repaired.

This rule also applies to employees who work away from the employer's place of business.

An employee would not have to be paid if he/she is allowed to leave the work site and given a definite time to return to work.

c. Show-up Time

If an employee is required to wait 10-15 minutes before advised that no work is available, this waiting time is compensable. In such an instance, the employee is "engaged to wait" rather than "waiting to be engaged".

8. REST PERIODS

The FSLA does not require that employees be given rest periods, but if rest periods are provided, they must be counted as time worked if they last 20 minutes or less. Coffee and snack breaks are compensable rest periods and cannot be excluded from hours worked as meal periods. The compensability of rest periods that last longer than 20 minutes depends upon an employee's freedom during the breaks.

9. MEAL PERIODS

Unless all of the following three conditions are met, meal periods must be counted as hours worked:

- a.** The meal period generally must be at least 30 minutes.

- b. The employee must completely relieve of all duties; if the employee must sit at a desk and incidentally answer the phone, for example, this would be compensable time. An employee who chooses to remain at his or her desk during the meal time period is not working so long as he or she is completely relieved of all duties and is not required by the employer to remain at the desk.
- c. The employee must be free to leave the duty post. However, there is no requirement that the employee be allowed to leave the premises or work sites.

10. OTHER MEAL PERIODS

a. Voluntary Work at Meal Time

All voluntary work done during meal periods must be counted as compensable working time if the employer knows or has reason to believe the work is being performed. Where the employer has no reason to know of the work, and the employee's work during meal time is of little or no consequence, no compensation is required. If the employer knows that work is being performed during meal time which is not necessary or wanted, the employee must be informed to that effect and told to stop the unnecessary work.

b. Meals on Business Trips

Meal time spent out of town on business trips is generally not compensable.

c. Meal Time for Police Officers and Firefighters

The meal periods for on-duty police officers and firefighters is counted as working time, unless the time is excluded from hours worked by express or implied agreement.

11. TRAINING PROGRAMS, LECTURES AND MEETINGS

Time spent in training, lectures and meeting by non-exempt personnel is compensable if it meets any of the following conditions:

- a. Attendance occurs during regular working hours;
- b. Attendance is required by the employer; and/or
- c. The program, lecture or meeting is related to the employee's job.

It is important not to confuse the concept of training with trainees. Trainees, within the definition of the FLSA are exempt from the provisions of the act when they meet certain test. An example of an exempt trainee is when a police recruit attends the Training

Academy. The time the trainee spends working or studying in excess of 40 hours per week is not compensable.

12. **TRAVEL TIME**

Whether travel time is compensable depends entirely on the kind of travel involved. The employer generally is not responsible for time spent by the employee in walking, riding or otherwise traveling to his or her principal activity. The following additional rules apply:

- a. Home to work travel is not compensable. Generally an employee is not at work until he or she reaches the work site;
- b. Travel from one job site to another during the work day is compensable; and
- c. There “may” be instance when travel from home to work will be compensable if, for example, the employee has gone home after completing a day’s work and is subsequently called out at night on an emergency job. All time spent traveling to the emergency job may be compensable.

13. **OUT-OF-TOWN TRAVEL**

Time spent by non-exempt (hourly) employees while traveling out of town on behalf of the employer is compensable, except for time spent in eating while traveling. Travel time as a passenger on an airplane, train, bus or automobile is not compensable. For example, if an employee drives from Clarksville to Nashville, to attend a one-day seminar, and the amount of time spent in travel and attending the seminar, minus mealtime, is greater than a normal workday, the additional time is compensable. If an employee travels by air to attend a conference which lasts several days, only the additional time spent in travel from Clarksville to the airport and from the airport to Clarksville is counted as compensable travel time. Time spent at the conference is considered compensable work-time.

14. **CALCULATING THE REGULAR RATE OF PAY**

- a. Hourly Employees. For those employees who are paid by the hour, their hourly rate is their regular rate of pay for calculating the overtime premium. Example: hours worked in a workweek – 44.

- 1) Rate of pay = \$5.85 per hour.
- 2) 40 hours x \$5.85 = \$234.00
- 3) 4 hours x 5.85 x 1.5 = \$ 35.10
- 4) Total compensation for the work week \$269.10

- b. Salaried Employees For those employees who are salaried, their hourly rate is their annual salary divided by 2080. (2080 = 52 weeks x 40 hours per week). Example: hours worked in a work week – 44; annual salary for Grade P, level 1, \$30865 (2007 – 2008 pay matrix)

1) \$30,865 divided by 2080 = \$14.84 per hour	
2) 40 hours x \$14.84	\$593.60
3) 4 hours x \$14.84 x 1.5=	<u>\$ 89.04</u>
4) Total compensation for the work week =	\$682.64

(In reality, since the City pays semi-monthly, the overtime compensation in this example, \$89.04, would be added to the semi-monthly pay in the pay period in which the overtime is worked or in the pay period immediately following).

- c. Employees covered by the 207 (k) exemptions (Police and Fire Personnel). The calculation of the regular rate of pay for 207 (k) exempt personnel will be the same as outlined in paragraph b above. Calculation of the regular rate of pay will be the same for all salaried personnel and 2080 hours per year will be the basis of the calculation.
- d. Employees who work irregular hours other than 207 (k) exempt. The regular rate for employees who work irregular hours but who are paid a salary on a monthly basis is computed by converting wages into weekly wage by the hours actually worked in a week. Overtime must be paid each week without set off from other weeks where less than 40 hours were worked. Examples: An employee is paid a monthly salary that translates into a weekly salary of \$500.00 and the employee works irregular hours. In week one the employee works 40 hours. No overtime is due and he is paid \$500. In week two, the employee works 50 hours. The regular rate for week two is \$10.00 (\$500.00 divided by 50 hours) and is entitled to \$50.00 half-time overtime premium (\$10 x .50 x 10). The total compensation for week two then equals \$550.00. In week three the employee works only 36 hours. His regular rate would be \$13.89 (\$500.00 divided by 36) and the total compensation for the week would still be \$500.00. (13.89 x 36) In week four, the employee work 40 hours and the weekly compensation of \$500.00. The employee's total compensation for the month would be \$2050.00.
- e. Part-Time and Under 40 Hour Workers

Employees, who ostensibly work full-time, may work 35 or 37 – ½ hour workweeks. In all such instances, overtime premiums at time and one-half under the FLSA need not be paid to employees until they work in excess of 40 hours in a work week. In those cases where employees normally work 37 – ½ hours per week there would be no entitlement to overtime compensation (or compensatory time) for the 2 – ½ hours up to the 40 hours per work week limit.

For those employees who work significantly less than full-time (e.g., 20 hours per week) the employer may pay the employee a pre-agreed hourly rate for all hours worked under 40 in a work week, but would be required to pay time and ½ overtime premium pay for hours over 40 in a work week. The other alternative would be to use the irregular work hours procedures described in sub paragraph d above.

f. Averaging the Hours in a Workweek

Hours cannot be averaged from one workweek in which fewer hours are worked with another workweek in which the hours worked exceeds 40. Each workweek must stand alone except in the case of personnel exempt under Section 207 (k).

15. HOLIDAY PAY

There is no requirement under the FLSA that employees be paid premium (time and ½) pay for holidays, weekends, or evening shifts. The exception is that non-exempt (hourly) employees will be credited for holidays at straight time even if they do not work on that day. If the employee works on a City approved holiday, he/she will be credited for 8 hours for the holiday plus straight time for the hours worked on that day, and both the holiday and the hours worked will be credited to the number of hours worked in the cycle.

16. TRAINING TIME FOR 207(K) EMPLOYEES

All time spent by non-exempt (hourly) law enforcement and fire service personnel in training sessions is counted as hours of work but are not compensated at the premium rate unless the total hours worked, including training time, exceeds 171 hours in 28 days for police or 204 hours in 27 days for fire service personnel.

17. COMPENSABLE HOURS WHEN USING CITY VEHICLES

City employees, including police and fire service personnel who have vehicles take home privileges, are not compensated for time driving from their residence to their place of work and when returning to their homes, even if they are required, as a condition of this privilege to have their radios on so that they can respond to emergencies. Once the officer or employee responds to the emergency call however, the time involved is compensable.

18. TRADING SHIFTS – POLICE OFFICER AND FIREFIGHTERS

Police Officer and Firefighters may trade or substitute tours of duty without being subject to overtime compensation by virtue of the voluntary trading of time by such employees. The following criteria must be met in order for there to be no effect on hours worked to the employer:

- a. Substitution or trading time is done voluntarily, i.e., solely at the employee's option; and;
- b. The substitution or trading is approved by the employer. The employee's decision to substitute for each other should be made without any coercion by the employer and the employee should be able to refuse such substitution without sanction or explanation. There is no requirement that the employer maintain a record of time traded or substituted, nor is there any period of time for which the time traded must be paid back by the other employee, unless the department has an approved policy to the contrary.

19. **COMPENSATORY TIME**

For the purpose of this policy, compensatory time is time off in lieu of monetary overtime compensation for non-exempt (hourly) employees, and is earned and accumulated at a rate of not less than one and one-half hours of compensatory time for each hour of overtime worked. Granting compensatory time in lieu of overtime wages is a condition of employment by the employees' decision to accept compensatory (comp) time is to be made "freely and without coercion or pressure". The employee may choose compensatory time off in lieu of wages. If the employee chooses to elect compensatory time in lieu of payment for overtime, the form at Appendix G must be completed and turned in to departmental time keeper and payroll.

Compensatory time constitutes a liability for the department and for the City and discretion must be used to assure that the term "comp time" is not used indiscriminately or promised lightly. Care must also be used as not to confuse compensatory time with flexible work scheduling or other time-off arrangements.

An employee, who has accrued compensatory time and requests use of the time, must who has accrued compensatory time and requests use of the time, must be permitted to use the time off within a "reasonable period" after making the request if it does not unduly disrupt the operation of the department.

When an employee leaves City employment for any reason, payment for the unused, accumulated compensatory time must be paid at the regular rate of pay of the employee at the time termination or at the average rate of pay received by the employee during the last three years of employment, whichever is higher.

20. **QUESTIONS AND DISPUTES**

Questions or disputes arising from the interpretation or implementation of this procedure **will be submitted in writing** by the affected Department Head to the Human Resource Department with a copy to the appropriate Finance Office (General Fund, Comptroller,

Gas & Water or Transportation). The Human Resource Director will coordinate the resolution of the disputes or question and will respond to the Department Head. If it becomes necessary to amend the procedure, the Human Resources Director will process the amendment through the appropriate City Council Committee and the City Council.

OFFICIAL DOCUMENT

APPROVED BY THE CITY COUNCIL

REVISED JUNE 5, 2008

WILLIAM MCNUTT, HUMAN RESOURCES DIRECTOR



Appendix "A"
Executive Exemption

Yes	No	
		Employee is paid at least \$455 / week.
		Employee is paid on "salary basis".
		Employee is in charge of and manages a department, division or other permanent organization unit. Identify organizational unit: _____.
		Employee's primary duties are managerial or supervisory.
		Regularly exercises discretion on a day-to-day basis.
		Not closely supervised.
		Has authority to make managerial and supervisory decisions, or recommendations and input which are given real weight.



Appendix "B"
Administrative Exemption

Yes	No	
		Employee is paid at least \$455 / week.
		Employee is paid on "salary basis".
		Regularly exercises discretion and independent judgment.



Appendix "C"
Professional Exemption

Yes	No	
		Employee is paid at least \$455 / week.
		Employee is paid on "salary basis".
		Primary duty is doing work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study.
		Work performed requires consistent exercise of discretion and judgment.
		Work is predominantly intellectual and varied in character.



**Appendix “D”
Computer Exemption**

Yes	No	
		Employee is paid at least \$455 / week, or if compensated in an hourly basis, at a rate of not less than \$27.63 per hour.
		The employee must be employed as a computer system analyst, computer programmer, software engineer or other similarly skilled worker in the computer field.
		<p>The employee must perform the primary duties described below:</p> <ol style="list-style-type: none"> 1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications; 2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; 3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or 4. A combination of the aforementioned duties, the performance of which requires the same level of skills.



Appendix "E"
Overtime Approval Form
For Non-Emergency Requests

Department: _____ Date: _____

Employee Name: _____

Number of Hours Approved for Overtime: _____

Reason for Overtime Request: _____

Department Head Approval: _____



Appendix "F"
Departmental Policy Statement for Overtime Occurring on a Regular Basis

Department:

--

Statement Regarding the Reason for Re-Occurring Overtime:

--

Anticipated Frequency and Length of Overtime:

--

Department Head Approval:

Date:

--	--



Appendix "G"
Compensatory Time in Lieu of Overtime Request

Name:

--

Social Security Number:

--

I agree to accept compensatory time in lieu of cash payment for overtime worked for the following pay periods(s):

BEGINNING DATE:

--

ENDING DATE:

--

EMPLOYEE'S SIGNATURE:

DATE:

--	--

SUPERVISOR / DEPARTMENT HEAD APPROVAL

DATE:

--	--