

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 106.04
SUBJECT: WAGE AND SALARY PLAN	INITIAL EFFECTIVE DATE: 11/19/85
TITLE: OVERTIME	LAST REVISION DATE: 06/22/13

POLICY STATEMENT:

The City of Denton requires employees to work overtime when necessary and as requested by the supervisor. Overtime is defined as *authorized* time worked which exceeds 40 hours per workweek. Overtime for Fire Civil Service employees will be calculated based on the maximum number of hours for the declared work period. Employees who work overtime without authorization from their immediate supervisor will be subject to disciplinary action. Overtime on any job shall be allocated as evenly as possible among all employees qualified to do the job. Supervisors shall make every effort to schedule overtime as far in advance as possible. Supervisors shall be held responsible for ensuring that overtime is assigned only when absolutely necessary. Overtime for non-exempt employees will be paid subject to the requirements of the Fair Labor Standards Act, 29 U.S.C 201 et seq., as the same may be amended from time to time.

Some seasonal and temporary positions may be eligible for overtime.

The Human Resources Director is responsible for maintaining the exempt/non-exempt status of all City positions.

ADMINISTRATIVE PROCEDURE:

I. OVERTIME PAY:

- A. Non-exempt employees will be paid at the rate of one and one-half times their regular rate of pay for overtime. Overtime will be paid for all additional time worked to the nearest quarter hour.
- B. Effective January 1, 2009, the City of Denton will not provide compensatory time in lieu of paid overtime for any employees. Employees who work more than the FLSA mandated hours within an established workweek will be paid at the FLSA overtime rate pursuant to "A" above.
- C. Regular part-time employees will not receive overtime pay until the number of hours actually worked exceeds 40 hours per workweek.
- D. Holidays, vacation leave (with the exception of vacation in lieu of sick), and scheduled "on-call" hours subject to provisions of Policy No. 106.06 are considered actual time worked for overtime eligibility. Except in the case of Fire Civil Service employees, all other leaves (i.e., sick leave, administrative leave, etc.) are not considered time worked and are not included in computing hours

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for overtime purposes. In order to comply with Texas civil service laws regarding civil service fire fighters, with regards to Fire civil service employees, substitution of any leave for regularly assigned duty will be counted as time worked up to 120 hours of assigned duty. Any leave (other than vacation (excluding vacation in lieu of sick) and holiday) that results in paid hours in excess of regularly assigned duty (120 hours) is not considered time worked.

- E. Exempt employees are not eligible for overtime pay. These employees will sometimes be required to work more than the normal 40-hour week without compensation due to the nature of their job duties. Supervisors of exempt positions will determine occasional discretionary time off, based on workload, for hours worked in excess of 40 hours per week.

Discretionary time is defined as flexible time off which is approved by the immediate supervisor and does not equal or exceed the number of extra hours worked. Exempt employees are not entitled to discretionary time and cannot accumulate discretionary time for pay out.

- F. A regular full-time employee may have a part-time job in another department if approved by the department head and the Human Resources Director or his/her designee. The hours worked in this capacity shall not be counted toward overtime if the part-time work is in a different capacity than the employee's regular job and occurs on an occasional or sporadic basis.

II. AUTHORIZATION OF OVERTIME

- A. Prior to working any overtime, employees must check with their supervisors to make sure overtime is or will be authorized.
- B. Work performed by an employee other than normal working hours will not be considered authorized overtime unless it is approved by the appropriate supervisor prior to the work being performed. (For example: work during meal times, after normal working hours, or work taken home.)
- C. Non-exempt employees who work unauthorized overtime must still be paid for their time worked at the applicable overtime rate; however, the employees will be subject to discipline pursuant to the Disciplinary Actions Policy no. 109.01 if they work overtime without obtaining approval and authorization from their supervisors.
- D. Exempt employees may receive paid overtime at a rate of one and one-half times their regular rate of pay only in emergency situations (such as natural disasters that disrupt the delivery of essential services). Such payments must be approved in writing by the department head.

An emergency situation is defined as a disruption or loss of an essential service related to water, electricity, health or safety.

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CIVIL SERVICE:

The City of Denton has declared a 14-day work period under the 207(K) provision of the Fair Labor Standards Act for Denton Fire civil service employees and Police civil service employees who work scheduled 12-hour shifts. Under this exemption, hours worked over 106 in the 14-day work period by Fire civil service employees will be considered overtime and will be paid at one and one-half times the regular rate. Although under the 207(K) provision of the Fair Labor Standards Act a Police officer subject to the provision would not be paid overtime until he/she had worked more than 84 hours in a two week period, the Texas law is more restrictive and requires that Police civil service employees be paid overtime rates for time worked in excess of 80 hours in a two week period.

Pursuant to Texas law, the City of Denton has declared a 14-day work period for civil service police employees who work 12-hour shifts. Under this declaration, hours worked over 80 in the 14-day work period will be considered overtime and will be paid at one and one-half times the regular rate; however, when determining whether leave time is "time worked" (as described in section I. D., above), the City of Denton will continue to analyze the leave time on a weekly basis.

Sections 142.001-142.0017 of the Texas Local Government Code (hours of labor and vacations of fire fighters and police officers in certain cities) outlines the specific laws concerning overtime of civil service employees. The Texas Local Government Code is available for review at the City of Denton Public Library and the Fire, Police, and Human Resources departments.