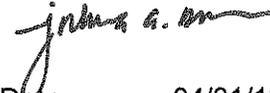


CITY OF HAMILTON, OHIO

No. 201



ADMINISTRATIVE DIRECTIVE

Effective Date: 04/01/13

Supersedes No. 201 dated 3/28/72,
201.5 (4/1/84), 201.5 dated 7/1/98

Approved by: Joshua A. Smith

SUBJECT: OVERTIME ADMINISTRATION

PURPOSE: To establish a system, consistent with the Fair Labor Standards Act (FLSA), for the control and administration of overtime for City employees not covered by a collective bargaining agreement and general overtime guidelines for use when a collective bargaining agreement does not provide otherwise.

To assure uniformity and consistency among all departments of the City in the compensation and administration of work assignments outside of the regularly scheduled workweek.

1. Policy.

- a. All positions shall be categorized as either "non-exempt" or "exempt" pursuant to the FLSA as it is applied to classifications within the City of Hamilton.
- b. Each Director/Chief or Appointing Authority is responsible for assuring that appropriate records are maintained which record all work hours worked on a regular, as well as overtime basis.
- c. Non-exempt employees shall be paid not less than one and one half (1 1/2) times their regular hourly rate for hours worked in excess of forty (40) in any one workweek; or receive compensatory time at the rate of 1 1/2 times their regular hourly rate.

2. General Standards for Overtime.

- a. Except in unusual situations, overtime must be assigned only as determined by the appropriate Appointing Authority or his/her authorized agent.

Compensation in any form shall not be made for overtime work except upon the specific authorization of the responsible Appointing Authority consistent with City Manager authorization.
- b. The responsibility for the determination of the need for overtime, the number of hours involved and the employees required shall rest with each Appointing Authority, and ultimately with the City Manager.

No employee has authority to determine overtime needs for his/her own position. Only in exceptional cases should overtime be worked without the express prior approval of the responsible authority.

- c. **Workday and Workweek:**
 - i. Forty (40) hours shall constitute a normal workweek during which the regular salary rate shall be paid.
 - ii. Eight (8) hours shall likewise constitute a normal workday unless the work unit has specifically designated some other period.
- d. **Overtime selection and assignment:**
 - i. In operations where frequent overtime needs arise, supervisors shall make every effort to equalize such assignments on a calendar year basis, unless provided otherwise by a labor agreement.
 - ii. Overtime should first be presented to the employee or employees performing such duties during the normal workday.
 - iii. Overtime assignments may then be presented to other within-class employees and finally, to qualified out-of-class personnel.
 - iv. Obligatory overtime assignments should be minimized to the extent practicable. However, service needs which cannot be met during the regularly scheduled workday may require the presence of qualified employees on an overtime basis. In such instances, the responsible supervisor shall have the right to compel overtime.
- e. **Cash payment of overtime:**
 - i. Payment of an overtime premium to non-exempt employees shall be computed on the basis of the employee's regular class rate in effect at the time the overtime was worked.
 - ii. Payment will normally be made not later than the hourly pay period following the date when the time was worked.

3. Administration.

- a. **Overtime for Non-Exempt Employees:**
 - i. A non-exempt employee shall be paid at least 1 ½ times his/her regularly scheduled hourly rate for hours worked beyond forty (40) in any one week or in excess of the regularly scheduled workweek for a full-time employee or receive compensatory time at the rate of 1 ½ times their regular hourly rate.

- ii. Overtime shall not be pyramided. Thus, when two or more rates would be applicable to the same hours, only the rate yielding the highest amount shall be applied.
 - iii. Any employee who is currently paid for overtime hours and is not eligible for compensatory time because of a collective bargaining agreement or City policy will continue the same practice.
- b. Compensatory Time for Exempt Employees (for calendar year 2013 only):
- i. Exempt employees may accrue compensatory time (at straight time rate) and can accumulate a total of eighty (80) hours within a calendar year period. The compensatory time not used within that year may be carried over to the next year with written City Manager approval.
 - ii. By the end of November of 2013, an employee who has a compensatory time balance shall submit a request to the City Manager for carryover of up to forty (40) hours of compensatory time.
 - iii. Exempt employees may never accumulate more than eighty (80) hours of compensatory time in a calendar year. Once the original 80 hour threshold has been reached, if compensatory leave is utilized, an employee is not permitted to accumulate additional hours of compensatory time to bring his or her compensatory time balance back up to the 80 hour threshold. For example, if an employee reaches his or her original 80-hour threshold in January, and subsequently utilizes 8 hours of compensatory leave, the employee may not accumulate an additional 8 hours in compensatory time or any other number of hours to bring his or her compensatory time balance back up to 80 hours.
- c. Compensatory Time for Exempt Employees (effective January 1, 2014):
- i. Exempt employees may accrue compensatory time (at straight time rate) and can accumulate a total of forty (40) hours within a calendar year period. The compensatory time not used within that year may be carried over to the next year with written City Manager approval.
 - ii. By the end of November of each year, an employee who has a compensatory time balance shall submit a request to the City Manager for carryover of up to forty (40) hours of compensatory time.
 - iii. Exempt employees may never accumulate more than forty (40) hours of compensatory time in a calendar year. Once the original 40 hour threshold has been reached, if compensatory leave is utilized, an employee is not permitted to accumulate additional hours of compensatory time to bring his or her compensatory time balance back up to the 40 hour threshold. For example, if an employee reaches his or her original 40-hour threshold in January, and subsequently utilizes 8

hours of compensatory leave, the employee may not accumulate an additional 8 hours in compensatory time or any other number of hours to bring his or her compensatory time balance back up to 40 hours.

4. Miscellaneous.

- a. Upon extension of an offer of employment, a new employee will be advised of his/her status as exempt or non-exempt.
- b. Overtime assignments shall not be construed to include time commuting to and from job site, travel time involved in attending conventions, seminars or meetings.
- c. In the event that provisions of a collective bargaining agreement conflict with this directive, the collective bargaining agreement shall prevail.
- d. The Civil Service and Personnel Department maintains a listing, by classification, of all exempt and non-exempt positions.
- e. Record Keeping
 - i. Use of compensatory time shall be documented on the City's Standard Leave Control Form.
 - ii. An accurate, contemporaneous record of compensatory time earned must be maintained by each work unit. Although there is no mandated form for such record-keeping, the Compensatory Time Request Form (available on the intranet and attached) may be useful. Compensatory time accrual records should be entered into the computer-based payroll system as they are accrued.