



COMPENSATORY TIME/OVERTIME PAY

- 1) **EXEMPT EMPLOYEES:** Exempt employees are not entitled to FLSA overtime. Therefore, they are not eligible for compensatory time or overtime compensation. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

- 2) **NON-EXEMPT EMPLOYEES:** All non-exempt employees must receive overtime compensation in accordance with federal and state wages and hour requirements. Overtime and compensatory time should be approved, by the department director, prior to working the assignment or additional hours. Work assignments will be distributed as equitably and practical, as possible, to all non-exempt employees qualified to perform the required work.
 - A) Regular employees will receive compensatory time or overtime pay for all hours worked more than the applicable maximum hours for the 40-hour work week, not less than one and one-half of their regular rate of pay.

 - B) Under the FLSA, patrol officers and firefighters have different overtime rules allowing the use of a work period.
 - I) Patrol officers and firefighters use a 14-day work period for calculating compensatory time and overtime.
 - II) Patrol officers will receive compensatory time or overtime pay at a rate of one and one-half of their regular rate of pay after working hours more than 86 hours, during a 14-day work period.
 - III) Firefighters will receive compensatory time or overtime pay at a rate of one and one-half of their regular rate of pay for hours worked, more than 106 hours, during a 14-day work period.

- 3) **COMPENSATORY OR OVERTIME:** FLSA provides flexibility to government agencies by providing a choice of compensatory time in lieu of cash. The choice of compensatory time must be agreeable to the employee.
 - A) The employee may earn compensatory time if their accrued balance is not more than the maximum limit applicable to the employee.
 - I) Accumulated compensatory time may not exceed 40 hours for all employees except firefighters and patrol officers.
 - II) Accumulated compensatory time may not exceed 60 hours for firefighters and patrol officers.

 - B) Compensatory time earned over the maximum amount allowed should be flexed during the same 40-hour work week or the 14-day work period, the hours are earned (worked) or the employee will be paid overtime.

 - C) The employer may request the employee to take compensatory time off during periods in which



the workload is light.

- D) The City has the right to cash out an employee's compensatory time at any time.
 - E) With prior approval an employee can accrue greater than the maximum limit to be used for a specific event.
 - F) The unused compensatory time balance will be paid upon termination of the employee.
- 4) **HOURS WORKED:** Hours worked, according to FLSA, are all hours an employee is required or permitted to perform work, on the employer's premises, or at a prescribed work location. This extends to any job-related tasks performed for the benefit of the city regardless of where the work is performed. The city excludes the following hours from "hours worked" for the calculation of overtime and compensatory time.
- A) Paid Leave Hours: Absences from work for sick leave, vacation leave, short term disability, bereavement leave and jury duty.
 - B) Meal Periods or other breaks of sufficient length greater than 30 minutes where the employee is entirely free from duty.
 - C) Paid administrative leave hours or other paid hours an employee is off duty or away from the workplace.
 - D) Hours paid to employees for on-call duty on weekends and holidays.
 - E) Travel time: Time traveling to and from job related training, conferences and/or other off premise locations, outside of the employees' regular scheduled workday. Reference Travel Policy for more information.
- 5) **FLEX HOURS:** Due to budgetary constraints the department director or supervisor can flex the employees' work schedule to minimize the need for overtime compensation. Flexing hours must be completed within the same 40-hour work week, for regular employees, or the 14-day work period, for essential public safety employees, as the additional hours were worked.
- 6) **RESPONSIBILITIES:** It is the responsibility of the department director to administer the provisions of this policy within their department. They are the authorized authority for the approval of overtime or compensatory time requests.

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