

J. OVERTIME COMPENSATION

GENERAL POLICY

It is the general policy of Scott County to provide overtime compensation to eligible employees for approved overtime hours worked in excess of forty hours per week. It is the intent of this policy to comply with the Fair Labor Standards Act (FLSA) to the extent such act is applicable to Scott County.

SCOPE

Except as limited by the "Exclusions" section that follows, this policy is applicable to the following:

All employees responsible to the Scott County Board of Supervisors;

All employees responsible to a county elected office holder with the exception of the elected office holder themselves and Deputies;

All employees not directly responsible to either the Board of Supervisors or an elected office holder and whose governing body and the Board of Supervisors have certified its applicability.

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

EXCLUSIONS

The Human Resources Department in consultation with the department shall review all County job descriptions in conjunction with the Fair Labor Standards Act (FLSA) for determination of the positions that should be excluded from the overtime provisions of this policy. Generally speaking those positions that meet the federal salary test, supervisory requirements and are considered to be executive, administrative, professional or computer positions would typically be exempt. The County has a good faith commitment to comply with the FLSA and to make proper payroll deductions. If an employee believes an improper deduction or overpayment has been made they are encouraged to contact the Auditor's Office payroll staff or Human Resources. The County is committed to reimbursing the employee for any improper deductions.

These exclusions are consistent with the established principle that management officials and supervisory personnel are compensated on a salaried basis and are expected to work whatever number of hours required to accomplish their assigned workload during any given period. Conversely, during periods of reduced workload, departmental discretion

may allow some flexibility to these employees in adhering to a formal schedule of hours. In addition, employees classified as exempt under FLSA shall not have their pay reduced for absences from work of less than one day if the absence cannot be covered by accrued leave. It is expected that employees classified as exempt shall utilize leave banks for absences in increments established by the department, e.g. two or four hours.

Notwithstanding the exclusions specified above, the Board of Supervisors, upon written request from the department head and concurrence by the County Administrator, may grant overtime compensation to an employee whose position could be considered exempt under FLSA, if the job consistently requires overtime work resulting in an unfair demand on the services of the individual filling the position or a salary compression issue with those individuals supervised by the employee. Lieutenants in the Sheriff's Office are permitted to accrue overtime compensation for any grant funded or reimbursable work performed.

Also, the County Administrator may grant payment of overtime in cases of emergency.

DEFINITION AND PAYMENT OF OVERTIME

Except as otherwise allowed by FLSA, overtime is defined as time worked in excess of forty hours, in any workweek (seven consecutive calendar days) or eighty four hours in any two week period for 12 hour shift employees. However, Bailiffs, Bailiff Sergeant, Classification Specialists and Corrections Sergeants may receive overtime after 8 hours or 12 hours in a day depending on their regular work schedule. Vacation, sick leave and other paid leaves of absence shall not count as time worked in determining when an employee is eligible for overtime pay. Holidays on a regular scheduled work day shall count as time worked in determining when an employee is eligible for overtime pay in a work period. An employee must receive approval from the appropriate supervisor prior to working overtime hours.

An employee shall be paid for overtime hours worked at the rate of one and one-half times his/her regular rate of pay. Overtime shall not be paid more than once for the same hours worked.

Nothing in this policy is intended to limit work period scheduling to seven consecutive calendar days, and departments may establish alternate work schedules with overtime thresholds to be determined in accordance with FLSA regulations.

COMPENSATORY TIME

Employees who are eligible under this policy for overtime compensation may request compensatory time off from work in lieu of overtime pay. Compensatory time may not be accrued for any work that may be funded or reimbursed by another entity. Final approval of such requests shall be at the discretion of the appropriate department head or elected office holder.

Approved compensatory time shall be accrued at the rate of one and one-half hours for every overtime hour worked. Compensatory time off will be arranged by mutual agreement with a supervisor within a reasonable time of the request but no later than 7 days. Compensatory time off shall not be denied based on overtime, except in the case of requests to utilize compensatory time off for holidays, the day before a holiday or the day after a holiday. Employees may accrue up to sixty (60) hours of compensatory time at any time in a refillable bank, however may only accrue a total of one hundred (100) hours during a fiscal year. All compensatory time accruals as of June 30th each year will be paid on the first paycheck in July at the June 30th hourly rate.

Employees not covered by a collective bargaining agreement may notify the payroll clerk in writing two weeks in advance of the desire to have twenty or more hours of compensatory hours paid out in the following payroll cycle.

CALL-BACK PAY

In the event an employee eligible for overtime under this policy is called back to work outside his/her normal work shift, he/she shall be paid a minimum of two hours at his/her regular rate of pay, or at the rate of one and one-half times his/her regular rate of pay for all time actually worked, whichever is greater. Any Corrections Sergeant mandatorily called back to fill the hours of a Corrections Officer shall be paid at the rate of one and one-half times his/her regular rate of pay, regardless of any vacation, sick leave and other paid leaves of absence taken in the pay period.

ADMINISTRATIVE PROCEDURES

1. Compliance with FLSA

The Human Resources Department shall be responsible for administering the County's overtime pay policies and monitoring its compliance with the Fair Labor Standards Act. In this regard, the Human Resources Department shall maintain an up-to-date listing by department of those positions which are determined to be exempt from the overtime pay provisions of FLSA.

2. 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.