

Human Resources Policy Bulletin

Lancaster County

Number: 2019-1
Date: May, 2019

Reference:	Title:
Personnel Rule 17 Supercedes Human Resources Policy Bulletin 2015-1	OVERTIME PAY POLICY

OVERTIME PAY

A Department Head may prescribe reasonable periods of overtime work to meet operating needs. Overtime pay may not be used to affect pay adjustments nor in payment for work that can be scheduled in a routine manner. Only employees allocated to non-exempt classifications are eligible to receive overtime pay. Overtime must be approved by the appropriate Department Head prior to it being worked.

Unless otherwise specifically provided for in a collective bargaining agreement or other provisions of this Human Resources Policy Bulletin, overtime shall be compensated by monetary payment and not time off, i.e. compensatory time. Any County Department wanting to authorize the use of compensatory time first must gain the written approval of the County Board and Human Resources Officer, with the exception of employees in pay grades prefixed by 'A', 'G', 'J', 'D', or 'Y'.

Overtime will be paid only if such time has been previously approved by the appropriate Department Head. No employee, by his/her own volition will work any time prior to or immediately following his/her normally scheduled working hours without the approval of his/her supervisor. No employee who is non-exempt will be permitted to conduct the County's business while on their authorized lunch break. Any employee who elects to forego his/her authorized rest breaks shall not be entitled to payment for overtime for breaks not taken. An employee who, without supervisor approval, works either before or after his/her scheduled hours or during an authorized lunch break, will be subject to progressive discipline. The employee's work week is hereby defined as Thursday at 0001 through the following Wednesday at 2359.

Employees in any of the classifications set forth in this Human Resources Policy Bulletin may work in more than one department if approval to do so is granted, in writing, by both Department Heads, provided however, that in no event shall the total time in pay status exceed forty (40) hours per week.

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The County supports the concept of a flexible working schedule where it can be implemented by Department Heads in a manner which improves the delivery of services to the public. An essential requirement is that all work positions be adequately staffed during the normal business or regular hours. Where less than full-time (i.e., less than forty (40) hours per week) employees are used, they shall be paid at the straight time hourly rate established for their classification unless they exceed forty (40) hours per week which will be compensated at one and one-half (1 ½) times regular rate. Flex time must be arranged during the work week or paid if it exceeds forty (40) hours.

The Human Resources Officer will determine overtime pay eligibility and assign classifications to either non-exempt or exempt status. The Human Resources Officer may develop a reporting system which will be used in all County Departments to report overtime usage. Department Heads will be responsible for the proper administration of the overtime provisions.

NON-EXEMPT CLASSIFICATIONS

Employees allocated to classifications identified in the pay plan index as non-exempt are eligible to receive pay for overtime work in accordance with the provisions of the Fair Labor Standards Act, this Human Resources Policy Bulletin, the applicable collective bargaining agreement, or the Lancaster County Personnel Rules.

A.F.S.C.M.E. ('A' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

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Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. Approval shall be at the discretion of the Department Head. If the request is approved by the Department Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. A maximum accrual of compensatory time shall be forty (40) hours.

A.F.S.C.M.E. ('G' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

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FRATERNAL ORDER OF POLICE, LODGE 77 ('Y' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours per work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

For employees working twelve (12) hour shifts, work performed in excess of eighty (80) hours in any fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing weekly overtime.

Hours paid at a premium rate during the work week will offset other overtime hours due in accordance with the Fair Labor Standards Act. If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

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FRATERNAL ORDER OF POLICE, LODGE 32 ('J' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of eighty-six (86) hours in any fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. The Department will develop a standard operating procedure for the granting of voluntary and mandatory overtime.

Vacation and holiday leaves shall be counted as hours worked in computing overtime with the exception of sick leave and compensatory time, which will not count as hours worked for purposes of computing overtime.

If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled tour of duty, the employee will be paid for a minimum of two (2) hours at a rate of one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. This premium pay does not apply to time accrued while attending the Academy, make up training or voluntary training. In such cases, all call-back hours will be paid as overtime regardless of the number of paid leaves of absence during the employee's work week.

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In lieu of payment for overtime hours worked, the employee may notify the Department that overtime shall be converted to compensatory time. One and one half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. The employee's compensatory bank may not exceed a total of seventy-six (76) hours.

UNREPRESENTED ('C' PAY GRADES) AND EXCLUDED E ('E' PAY GRADES) NON-EXEMPT CLASSIFICATIONS

Work performed by employees in excess of forty (40) hours in any work week shall be compensated at the rate of one and one-half (1 ½) times the regular hourly rate of the employee. No overtime work or compensation will be allowed without prior approval by the Department Head or his designee. In accordance with 29 U.S.C. § 207 (k), work performed by Corrections-Sergeant employees in excess of eighty-six (86) hours in the fourteen (14) day work cycle shall be compensated at the rate of one and one-half (1 ½) times the regular rate of the employee.

All paid leaves of absence shall be computed as hours worked in computing overtime, with the exception of sick leave, which shall not count as hours worked for the purpose of computing overtime.

If an employee is called to duty during his off-duty time, and such time does not merge with his scheduled work week, the employee will be paid for a minimum of two (2) hours at one and one-half (1 ½) times his regular hourly pay or one and one-half (1 ½) times the actual hours worked, whichever is greater. All such call-back hours will be paid as overtime hours regardless of the number of paid leaves of absence during the employee's work week.

EXEMPT CLASSIFICATIONS

Employees who are determined to be Exempt from the requirements of the Fair Labor Standards Act and who are identified in the pay plan index as exempt are presumed to be paid for the complete job and are not eligible to receive compensation for additional hours. Employees

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may work more or less than forty (40) hours per week at the discretion of the Department Head. In addition, a Department Head may grant additional time off in recognition of extra work but under no circumstance will time be granted on a one-for-one basis or hours counted after forty (40) per week. Exceptions to this overtime policy may be granted by the Human Resources Officer when requested by the Department Head after demonstrating the exception to this policy is in the best interest of the County.

Employees in the unclassified service, with the exception of those represented by the Deputy Sheriff's Association, are not eligible to receive compensation for work in excess of forty (40) hours per week, and are not covered by this Human Resources Policy Bulletin.

EXEMPT AND NON-EXEMPT CLASSIFICATIONS

For a current listing of Exempt and Non-Exempt Classifications, please refer to the City-County home page at www.lincoln.ne.gov. Under Lancaster County, click on 'County Agencies'. Click on 'Human Resources Department.' Under County, click on 'Pay Plans.' Finally, click on 'Alphabetic Title Listing.' This listing will be updated as changes occur.



Doug McDaniel
Human Resources Director

5-10-2019
Date



Jennifer Brinkman, Chair
Board of County Commissioners

5/14/19
Date