

Human Resources Policy Bulletin

Lancaster County

Number: 2024-1

Date: March, 2024

Reference:	Title:
Personnel Rule 17	OVERTIME PAY AND COMPENSATORY TIME POLICY
Supersedes Human Resources Policy Bulletin 2019-1	

OVERTIME PAY AND COMPENSATORY TIME

An Agency 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 Agency 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 Agency wanting to authorize the use of compensatory time first must gain the written approval of the County Board and Human Resources Director, with the exception of employees in pay grades prefixed by "A", "G", "Y", or "J".

Overtime will be paid only if such time has been previously approved by the appropriate Agency Head. No employee, by their own volition will work any time prior to or immediately following their normally scheduled working hours without the approval of the employee's 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 their 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 their 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 0000 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 Agency if approval to do so is granted, in writing, by both Agency Heads, provided however, that in no event shall the total time in pay status exceed forty (40) hours per week, unless utilizing a 14 day work cycle as stated under the Fair Labor Standards Act (FLSA).

The County supports the concept of a flexible working schedule where it can be implemented by Agency 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 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 (1½) times regular rate, unless otherwise specified by collective bargaining agreement or Personnel Rules. Flex time, if arranged, must occur during the work week or worked hours must be paid.

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The Human Resources Director will determine overtime pay eligibility and assign classifications to either non-exempt or exempt status. The Human Resources Director may develop a reporting system which will be used in all County Agencies to report overtime usage. Agency 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.

EMPLOYEES IN PAY GRADES PREFIXED BY "A"

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 Agency Head or Agency Head's 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 their off duty time, and such time does not merge with their normally scheduled shift, such employee will be paid at a rate of one and one half (1½) times at the regular hourly rate for a minimum of two (2) hours or for 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 Agency Head. If the request is approved by the Agency 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 fifty (50) hours.

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EMPLOYEES IN PAY GRADES PREFIXED BY "G"

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 will be allowed without prior approval by the Agency Head or Agency Head's designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave, which will 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 their off duty time, and such time does not merge with their normally scheduled shift, such employee shall be paid at a rate of one and one half (1 ½) times the regular hourly rate for a minimum of two (2) hours or for 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 Agency Head. If the request is approved by the Agency 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 seventy (70) hours.

EMPLOYEES IN PAY GRADES PREFIXED BY "Y"

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 Agency Head or Agency Head's designee. All paid leaves of absence shall be counted as hours worked in computing overtime, with the exception of sick leave and time spent in negotiations, 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 Agency Head or Agency Head's designee. All paid leaves of absence will 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 their off duty time, and such time does not merge with the employee's scheduled work week, the employee will be paid at a rate of one and one half (1 ½) times the regular hourly rate for a minimum of two (2) hours or for 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 Agency Head. If the request is approved by the Agency Head, one and one-half (1 ½) hours of compensatory time shall be credited for each overtime hour worked. An employee shall not accumulate more than forty (40) hours of compensatory time.

EMPLOYEES IN PAY GRADES PREFIXED BY "J"

Work performed by employees 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 Agency Head or Agency Head's designee. The Agency will develop a standard operating procedure for the granting of voluntary, mandatory, and emergency overtime.

Vacation leave, personal holiday hours, and holiday pay, sick leave, compensatory time, and any other non-working time will not count as hours worked for the purpose of computing weekly overtime.

If an employee is called to duty during their off-duty time, and such time does not merge with the employee's normally scheduled shift, the employee will be paid at a rate of one and one half (1 ½) times the regular hourly rate for a minimum of two (2) hours or for 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.

In lieu of payment for overtime hours worked, the employee may notify the Agency 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 bank may not exceed a total of seventy-six (76) hours of compensatory time.

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NON-EXEMPT EMPLOYEES IN PAY GRADES PREFIXED BY "C" or "E"

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 Agency Head or Agency head's 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.

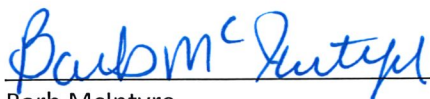
All paid leaves of absence shall be computed as hours worked in computing overtime, with the exception of sick leave, injury leave, and legal holiday pay, which shall not count as hours worked for the purpose of computing overtime.

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 may work more or less than forty (40) hours per week at the discretion of the Agency Head. In addition, an Agency 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 Director when requested by the Agency Head after demonstrating the exception to this policy is in the best interest of the County.

UNCLASSIFIED SERVICE

Employees in the unclassified service, with the exception of those in pay grades prefixed by "D" 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.



Barb McIntyre

Human Resources Director

Date



Sean Flowerday, Chair

Board of County Commissioners

Date