

CHAPTER 18

ISSUE 2

Date 06/01/91

SUBJECT: OVERTIME AND COMPENSATORY TIME

I. PURPOSE

The purpose of this procedure is to establish a uniform procedure for the authorization and accounting of overtime and compensatory time in accordance with City of Lompoc's Personnel Rule IV, Section 4.

II. SCOPE

This procedure is applicable to all City departments. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with either properly negotiated ratified memorandums of understanding or with any state or federal law, the terms of such agreement or laws shall prevail.

III. AMENDMENTS

The City Administrator may amend this procedure as required.

IV. DEFINITION

Overtime is that work time authorized because of an emergency condition and/or in the best interest of the City which requires employees to work more than the normal eight (8) hour work day or in excess of forty (40) hours per week, except in the cases of police or fire.

V. GUIDELINES

A. Authorization

1. The City has the right and authority to authorize or not authorize overtime.
2. Non-exempt employees should work only during the regularly scheduled work time unless receiving prior formal authorization from their supervisor. An "Overtime Description/Authorization" (on the reverse of the timesheet)(See Attachment B) must be completed and submitted to Finance when overtime has occurred.
3. Non-exempt employees are not allowed to be at their work stations more than fifteen (15) minutes before their appointed starting time or after their regular quitting time unless overtime has been previously authorized.

The same restriction to authorized work applies to non-exempt employees working at home. Employees shall not perform work at home without prior written approval of the supervisor. These provisions cannot be waived by any employee.

4. On occasion non-exempt employees may be asked to work through a lunch hour or break to meet a deadline or deal with an emergency. In those situations supervisors must allow the employee to take

a lunch hour or break at a later time during the same day.

5. All overtime work must have the approval of the Department/Division Head subject to the review of the City Administrator prior to the actual performance of the overtime work, except emergency work which is to be reported on the next work day if in excess of thirty minutes. The Department Head may approve overtime work performed without prior approval only if it arises from an emergency condition where such work is required:

- a. To prevent the interruption of a necessary public service;
- b. To protect property from damage;
- c. To remove hazards that threatens the public safety;
- d. To complete an activity, project, work assignment within the established legal time limitation;
- e. To protect the health and safety of the public.

In addition to the aforementioned general criteria, a more specific list of criteria has been established for fire and police personnel (refer to "Attachment A")

All overtime work shall be documented and approved on an "Overtime Description/Authorization" form. (See "Attachment B").

6. It is the responsibility of management to ensure that overtime work is minimized and is not performed if not authorized. The departmental managers should be responsible for constantly reviewing staffing levels, work loads, and vacation schedules so as to minimize the need for overtime work. Overtime shall be avoided whenever possible, but when necessary and approved by the appropriate authority shall be allocated as equitably as possible among all employees qualified to do the work.

B. ELIGIBILITY

Management, Supervisory and Confidential employees are not entitled to receive pay for overtime work, but may receive equivalent time off (straight time) for overtime worked subject to prior approval by the City Administrator (Personnel Rule IV, Section 4). Personnel in the management classification of Battalion Fire Chief may be required by the Department Head to work additional shifts for the purposes of maintaining constant manning and may be entitled to receive straight time pay or equivalent time off at the option of the Department Head.

Management, Supervisory and Confidential employees may be credited with four hours additional vacation time per month in lieu of approved equivalent time off in accordance with an approved Compensation Plan.

Under no circumstances will a deduction be made from the salary of an exempt employee for absences of less than one day. Such absences will normally be covered through accrued leave accounts. (This policy has been developed in view of *Abshire v. County of Kern* which identified certain Department

of Labor regulation interpretations effecting exempt employees. To the extent that these regulations continue to require what is promulgated in the *Abshire* decision, then the stated policy will be in effect).

C. COMPENSATION

For management, supervisory, and confidential employees, listed in Attachment C, overtime specially authorized by the City Administrator for compensatory time will be compensated at the rate of one hour of compensatory time off for one hour of overtime worked.

Except as otherwise specified in this procedure, all other City employees not listed in Attachment C shall be compensated for over-time at the rate of 1 1/2 times the regular hourly rate. In accordance with the provisions of the Fair Labor Standards Act, employees may elect to be compensated for overtime worked with compensatory time off in lieu of cash payment, with the concurrence of the department manager. Compensatory time off should be provided at the rate of 1 1/2 hours off for each overtime hour worked.

D. ACCUMULATION OF COMPENSATORY TIME OFF

Eligible employees may accumulate up to forty (40) hours of compensatory time, except fire personnel assigned on a shift basis may accumulate not more than fifty-six (56) hours equivalent compensatory time off. Compensatory time off will be given at the mutual convenience of the employee and the City. All management, supervisory, and confidential staff are encouraged to take compensatory time within the following pay period. For all other employees, if an employee accrues in excess of forty (40) hours, he/she will within the pay period following the pay period which the hours in excess of the limitation have been accrued, attempt to schedule and take leave to reduce the balance to below forty (40) hours. In the event the employee is unable to schedule leave time and the department is unable to schedule sufficient time to reduce the employee's balance to or below forty (40) accrued hours, then the employee shall be paid for hours in excess of forty (40).

E. TERMINATION AND TRANSFER

Any unused accumulated compensatory time of management, supervisory, and confidential employees as listed in Attachment C will not be paid at the time of an employee's termination. When an employee is promoted from a non-supervisory or non-exempt classification to a supervisory exempt classification, any accumulated compensatory time shall be taken prior to appointment if possible. If this is not possible the compensatory time shall be paid out during the first pay period following promotion or transfer.

All other employees upon termination shall be paid for unused accumulated FLSA compensation time at a regular rate of not less than the higher of the employee's final regular rate or the average regular rate during the last three years of employment.

F. HOLIDAYS

Employees of the Fire Department, Water Treatment Plant, Police and Wastewater Treatment Plant which have continuous 24 hour operations shall be entitled to equivalent time off at straight time. Regular full-time employees normally not required to be on duty on holidays, but whom are required to work in the interests of public health, safety or general welfare, shall be granted equivalent time off at the discretion of the department head.

G. CLASS CATEGORIES AFFECTED BY THE FAIR LABOR STANDARDS ACT

1. Employees currently employed in executive, administrative or professional classes are exempted from the provisions of this Act. The determination as to which employee classifications fall in these areas will be determined by the nature of the duties and responsibilities of the position. A listing of

exempt and non-exempt positions within the City is found in "Attachment D".

2. Computation of overtime for FLSA purposes is based on "hours worked" exclusive of paid leave time such as sick leave, holiday or vacation time, jury duty, etc. Hours worked shall be comprised of all time during which an employee is necessarily required to be on the employee's premises on duty or at a prescribed work place. Duty free lunches, travel time to and from work and time spent conducting bona fide volunteer activities are not to be considered "hours worked".

3. Computation of overtime liability for all general employees is based upon a work week beginning 12:01 a.m. Saturday and ending at 12:00 p.m. Friday. The work period for the classifications of Senior Sanitation Worker and Sanitation Worker will begin Sunday at 12:01 a.m. and run until Saturday, 12:00 p.m.

4. Due to special scheduling problems in the police and fire departments, the City has declared a 7K exemption by which a longer work period has been elected for employees involved in law enforcement and fire protection activities.

a. The City has elected a twenty-four (24) day work period for all non-exempt fire protection classifications in the Fire Department. Non-voluntary training, that is training mandated by the Fire Department, directly related to an employee's position will be considered hours worked. Training related to a higher rank does not fall into this category. Time actually spent in training or class will be considered hours worked for Fair Labor Standards Act overtime eligibility.

b. In the Police Department the City has declared a 7K exemption for the non-exempt classifications of Police Sergeant, Police Agent and Police Officer. The City has elected a 28 day work period for these cited classifications. All overtime, including special details such as firing range and court time, will be taken in either comp time off or overtime at the discretion of the employee. Voluntary details for other entities, such as football games and dances will not be considered as hours worked for FLSA purposes and these details will be paid at straight time.

VI. PROCEDURE

A. Once overtime work has occurred, the amount of overtime will be tabulated on an employee timesheet for the pay period in which it occurred, which will be signed by the employee and division manager or supervisor. The overtime shall also be documented on the "Overtime Description/Authorization" form on the reverse of the time sheet and signed by the Division manager.

B. When tabulating overtime on a timesheet the employee will indicate if the overtime is to be paid or accrued as compensatory time.

C. When compensatory time is taken by an employee it will be so noted on the employee's time sheet. Payroll will automatically reduce the accumulated compensatory time for that employee.

VII. INTERPRETATION AND IMPLEMENTATION

Any questions relative to the intent or application of these procedures shall be directed to the Human Resources Director.

Authorized:

Authorization of Overtime Without Advance Department Head Approval

I. Fire Department Criteria

Under certain circumstances, the obtaining of advance approval for overtime work is impractical. This is particularly true in the case of Fire Department emergency situations. In such identified situations the Fire Company officer in charge or a chief officer may at his/her discretion approve the working of overtime without advance approval. It is expected that proper discretion will be utilized at all times. Listed below are examples of circumstances which would justify not obtaining advance approval.

- a. To supplement and backup the on-duty forces on all structure fire alarms or on other serious emergencies.
- b. To replace emergency personnel sent on automatic/mutual aid calls to nearby jurisdictions such as Santa Barbara County, Vandenberg Air Force Base, etc.
- c. To replace emergency personnel sent with the CDO pumper to large brush fires in other areas of the state.
- d. When emergency personnel are needed for service or standby during major disasters such as floods, earthquakes, etc.
- e. To maintain constant manning level of operation at all times.

II. Police Department Criteria

Under certain circumstances, the obtaining of advance approval for over-time work is impractical. This is particularly true in the case of Police Department emergency situations. In such identified situations the supervisor in charge may at his/her discretion approve the working of overtime without advance approval. It is expected that proper discretion will be utilized at all times. Listed below are examples of circumstances which would justify not obtaining advance approval.

- a. When responding to a criminal subpoena.
- b. When an officer is conducting a preliminary investigation and the successful completion thereof requires the officer to work beyond his/her regular tour of duty.
- c. When an officer is making an arrest prior to the end of his/her regular tour of duty and the processing of the arrestee requires him/her to work beyond the regular tour of duty.
- d. When an officer is investigating an incident and the successful completion thereof requires him/her to work beyond the regular tour of duty.
- e. When an investigator must work beyond his/her regular tour of duty to complete an essential phase of an investigation where time is of the essence and deferment would adversely affect the case being investigated.

- f. When an officer is fulfilling an assignment involving the safety of persons or property, such as a fire, accident, or other disaster, and he/she must remain on duty until relieved by competent authority.
- g. When an officer is preparing written reports of activities completed during assigned shift.
- h. To insure appropriate manning requirements are met.
- i. When the amount of activity exceeds the capability of the on-duty staff to effectively meet current service needs.

ATTACHMENT C

Personnel in the following classifications shall not be entitled to receive pay for overtime worked, but may receive equivalent time off for overtime worked subject to prior approval by the City Administrator. (Per Personnel Rule IV, Section 4)

Accountant Librarian II
 Accounting Supervisor Librarian III
 Administrative Aide Library Director
 Administrative Assistant Park Maintenance Supervisor
 Assistant City Administrator Parks Superintendent
 Assistant Data Processing Mgr Parks & Recreation Director
 Assistant Public Works Director Human Resources Analyst
 Assistant to the City Human Resources Assistant
 Administrator Human Resources Manager
 Assistant to the Public Works Human Resources Director
 Director-City Engineer Plan Check Engineer
 Associate Planner Planning Director
 Battalion Fire Chief Police Captain
 Budget Analyst Principal Planner
 Budget Officer Programmer-Analyst
 Building Official Public Works Director-
 Chief of Police City Engineer
 City Administrator Purchasing Agent
 City Attorney Recreation Supervisor
 City Attorney - Deputy Senior Human Resources Analyst
 City Clerk Solid Waste Superintendent
 City Councilmember Solid Waste Supervisor
 City Treasurer Street & Sanitation Suptd.
 Civil Engineer II Street Maintenance Supv. (*)
 Civil Engineer III Supervising Account Clerk
 Community Development Director Supervising Treasury Clerk
 Data Processing Manager Tree Maintenance Supervisor (*)
 Economic Development & Resource Urban Forester
 Manager Urban Planner
 Electrical Estimator Utility Accountant
 Electrical Supervisor Utility Billing Supervisor
 Electrical Utility Engineer Utility Engineer
 Electrical Utility Manager Wastewater Collection Supv. (*)
 Engineering & Transportation Mgr. Wastewater Plant Operations

Equipment Maintenance Suptd. Supervisor (*)
Executive Assistant Wastewater Superintendent
Facilities Maintenance Supv. (*) Water Distribution Supervisor
Finance Director Water Plant Operations
Fire Chief Supervisor (*)
Landfill Supervisor (*) Water Resources Engineer
Legal Secretary Water Resources Manager
Library Administrative Aide Water Superintendent
Librarian I

(*) May be eligible for overtime based on Fair Labor Standards Act
FAIR LABOR STANDARDS ACT
Listing of Exempt and Non-Exempt Classifications

CITY ADMINISTRATION

City Administrator Executive Exempt
Executive Assistant Administrative Exempt

CITY ATTORNEY

City Attorney Executive Exempt
City Attorney-Deputy Professional Exempt
Legal Secretary Administrative Exempt

CITY CLERK

City Clerk Executive Exempt
Office Staff Assistant II/III Non-Exempt

CITY COUNCIL

Executive Assistant Administrative Exempt

CITY TREASURER

City Treasurer Executive Exempt
Supervising Treasury Clerk Administrative Exempt
Utility Billing Supervisor Administrative Exempt
Senior Treasury Clerk Non-Exempt
Intermediate Treasury Clerk Non-Exempt
Treasury Clerk Non-Exempt
Office Staff Assistant I/II Non-Exempt

ADMINISTRATIVE

Assistant City Administrator Executive Exempt
Administrative Assistant Administrative Exempt
Administrative Secretary Non-Exempt
Office Staff Assistant II/III Non-Exempt

Printing/Publications Coordinator Non-Exempt

Finance Director Executive Exempt

Utility Accountant Professional Exempt

Accounting Supervisor Professional Exempt

Accountant Administrative Exempt

Accounting Technician Non-Exempt

Senior Account Clerk Non-Exempt

Intermediate Account Clerk Non-Exempt

Account Clerk Non-Exempt

FAIR LABOR STANDARDS ACT

Listing of Exempt and Non-Exempt Classifications

ADMINISTRATIVE (cont'd)

Data Processing Manager Administrative Exempt

Programmer/Analyst Administrative Exempt

Computer Operator/Programmer Non-Exempt

Purchasing Agent Administrative Exempt

Purchasing Assistant Non-Exempt

Buyer/Purchas. Assist. Non-Exempt

Buyer/Warehouser Non-Exempt

Warehouser Non-Exempt

HUMAN RESOURCES

Human Resources Director Executive Exempt

Senior Human Resources Analyst Administrative Exempt

Human Resources Analyst Administrative Exempt

Human Resources Assistant Administrative Exempt

Office Staff Assistant II/III Non-Exempt

BUILDING INSPECTION

Building Official Executive Exempt

Sr. Building/Zoning Inspector Administrative Exempt

Plan Check Engineer Administrative Exempt

Building/Zoning Inspector Administrative Exempt

Building Inspection/Building

Maintenance Worker Non-Exempt

Building Inspector Assistant I/II Non-Exempt

BUILDING MAINTENANCE

Lead Facilities Maintenance Wkr Non-Exempt

Lead Custodian Non-Exempt

Building Inspector/Building

Maintenance Worker Non-Exempt

Senior Building Maintenance Wkr Non-Exempt

Custodian/Senior Custodian Non-Exempt

Building Maintenance Worker Non-Exempt

COMMUNITY DEVELOPMENT

Planning Director Executive Exempt
Principal Planner Administrative Exempt
Associate Planner Administrative Exempt
Assistant Planner Administrative Exempt
Urban Planner Administrative Exempt
Planning Technician Administrative Exempt
Office Staff Assistant III/IV Non-Exempt
Office Staff Assistant II/III Non-Exempt
FAIR LABOR STANDARDS ACT
Listing of Exempt and Non-Exempt Classifications

FIRE

Fire Chief Executive Exempt
Battalion Fire Chief Administrative Exempt
Fire Captain Non-Exempt
Fire Engineer Non-Exempt
Fire Fighter Non-Exempt
Office Staff Assistant III/IV Non-Exempt

LOMPOC LIBRARY

Library Director Executive Exempt
Librarian III Administrative Exempt
Librarian II Administrative Exempt
Librarian I Administrative Exempt
Library Administrative Aide Administrative Exempt
Library Assistant II Non-Exempt
Library Clerk III Non-Exempt
Library Clerk II Non-Exempt
Library Clerk I Non-Exempt
Library Custodian Non-Exempt
Library Page Non-Exempt

VILLAGE LIBRARY

Library Assistant I Non-Exempt
Library Clerk I Non-Exempt
Library Page Non-Exempt

BUELLTON LIBRARY

Library Clerk III Non-Exempt

PARKS AND RECREATION

Park Maintenance

Parks & Recreation Director Executive Exempt
Parks Superintendent Administrative Exempt
Parks Maintenance Supervisor Administrative Exempt
Parks Maintenance Specialist Non-Exempt
Park Ranger Non-Exempt
Lead Park Maintenance Worker Non-Exempt
Senior Park Maintenance Worker Non-Exempt
Park Maintenance Worker/Trainee Non-Exempt
Senior Building Maintenance Wkr/
Building Maintenance Worker Non-Exempt
Custodian/Senior Custodian Non-Exempt
Office Staff Assistant III/IV Non-Exempt
FAIR LABOR STANDARDS ACT
Listing of Exempt and Non-Exempt Classifications

RECREATION

Parks & Recreation Director Executive Exempt
Recreation Supervisor Administrative Exempt
Recreation Coordinator Non-Exempt
Office Staff Assistant III/IV Non-Exempt
Office Staff Assistant I/II Non-Exempt

POLICE

Chief of Police Executive Exempt
Police Captain Administrative Exempt
Admin. Police Sergeant Administrative Exempt
Police Sergeant Non-Exempt
Police Agent Non-Exempt
Police Officer Non-Exempt
Police Officer Trainee Non-Exempt
Police Dispatcher-Jailer Non-Exempt
Community Services Officer Non-Exempt
Office Staff Assistant III/IV Non-Exempt
Office Staff Assistant I/II Non-Exempt

PUBLIC WORKS

Electric

Public Works Director/
City Engineer Executive Exempt
Assistant PW Director Administrative Exempt
Electrical Superintendent Administrative Exempt
Electrical Utility Engineer Professional Exempt
Electrical Supervisor Administrative Exempt
Electrical Estimator Administrative Exempt
Utility Engineer Professional Exempt
Lead Electrical Line Wkr Non-Exempt
Electrical Line Worker Non-Exempt

Apprentice Electrical Line Wkr Non-Exempt
Electrical Ground Support Wkr Non-Exempt
Senior Electrical Meter
Maintenance Technician Non-Exempt
Electrical Meter Maintenance
Technician Non-Exempt
Office Staff Assistant II/III Non-Exempt
Office Staff Assistant I/II Non-Exempt
FAIR LABOR STANDARDS ACT
Listing of Exempt and Non-Exempt Classifications

Engineering

Public Works Director/
City Engineer Executive Exempt
Engineering & Transportation
Manager Administrative Exempt
Programmer Analyst Administrative Exempt
Civil Engineer III Professional Exempt
Civil Engineer II Professional Exempt
Civil Engineer I Non-Exempt
Engineering Technician I/II/III Non-Exempt
Office Staff Assistant III/IV Non-Exempt
Office Staff Assistant I/II Non-Exempt

Equipment Maintenance

Equipment Maintenance Suptd. Administrative Exempt
Lead Equipment Mechanic Non-Exempt
Heavy Equipment Mechanic Non-Exempt
Equipment Mechanic Non-Exempt
Radio Repair Specialist Non-Exempt
Buyer/Warehouser Non-Exempt
Office Staff Assistant I/II Non-Exempt

Solid Waste

Public Works Director/
City Engineer Executive Exempt
Assistant PW Director Administrative Exempt
Street & Sanitation Suptd. Administrative Exempt
Solid Waste Supervisor Administrative Exempt
Landfill Supervisor Non-Exempt
Lead Sanitation Worker Non-Exempt
Senior Sanitation Worker Non-Exempt
Heavy Equipment Operator Non-Exempt
Equipment Operator Non-Exempt
Landfill Attendant Non-Exempt
Landfill Coordinator Non-Exempt
Sanitation Worker Non-Exempt

Office Staff Assistant III/IV Non-Exempt
Office Staff Assistant II/III Non-Exempt
Office Staff Assistant I/II Non-Exempt
FAIR LABOR STANDARDS ACT
Listing of Exempt and Non-Exempt Classifications

Street Maintenance

Public Works Director/
City Engineer Executive Exempt
Street & Sanitation Suptd. Administrative Exempt
Street Maintenance Supervisor Non-Exempt
Heavy Equipment Operator Non-Exempt
Equipment Operator Non-Exempt
Lead Sign & Paint Worker Non-Exempt
Lead Maintenance Worker Non-Exempt
Senior Maintenance Worker Non-Exempt
Maintenance Worker/Trainee Non-Exempt
Office Staff Assistant II/III Non-Exempt

Trees

Urban Forester Administrative Exempt
Tree Maintenance Supervisor Non-Exempt
Lead Tree Trimmer Non-Exempt
Senior Tree Trimmer Non-Exempt
Tree Trimmer Non-Exempt
Maintenance Worker Trainee Non-Exempt
Office Staff Assistant II/III Non-Exempt

Transit

Assistant PW Director Administrative Exempt
Administrative Assistant Administrative Exempt

WasteWater

Public Works Director/
City Engineer Executive Exempt
Assistant PW Director Administrative Exempt
Water Resources Manager Administrative Exempt
Wastewater Superintendent Administrative Exempt
Wastewater Plant Oper. Supv. Non-Exempt
Facilities Maintenance Supv. Non-Exempt
Wastewater Collection Supv. Non-Exempt
Water Resources Protection Tech. Non-Exempt
Wastewater Plant Operator I/II Non-Exempt
Wastewater Plant Operator in Training Non-Exempt
Electrical-Mechanical Technician I/II Non-Exempt
Electrical-Mechanical Technician Trainee Non-Exempt
Instrumentation Technician Non-Exempt

Chemist Professional Exempt
Utility Engineer Professional Exempt
FAIR LABOR STANDARDS ACT
List of Exempt and Non-Exempt Classifications

Wastewater (cont'd)

Senior Wastewater Plant Operator Non-Exempt
Senior Wastewater Coll. Wkr Non-Exempt
Wastewater Collection Wkr Non-Exempt
Laboratory Tech I/II/Trainee Non-Exempt
Maintenance Worker/Trainee Non-Exempt
Office Staff Assistant II/III Non-Exempt

Water

Public Works Director
City Engineer Executive Exempt
Assistant PW Director Administrative Exempt
Water Resources Manager Administrative Exempt
Water Plant Superintendent Administrative Exempt
Water Distribution Supervisor Administrative Exempt
Water Resources Engineer Professional Exempt
Administrative Assistant Professional Exempt
Chemist Professional Exempt
Water Plant Operations Supv. Non-Exempt
Facilities Maintenance Supv. Non-Exempt
Laboratory Tech I/II/Trainee Non-Exempt
Senior Water Plant Operator Non-Exempt
Water Plant Operator I/II Non-Exempt
Water Plant Operator in Training Non-Exempt
Lead Facilities Maintenance Wkr Non-Exempt
Senior Water Plant Maint. Wkr Non-Exempt
Water Plant Maintenance Wkr Non-Exempt
Maintenance Worker/Trainee Non-Exempt
Lead Water Distribution Wkr Non-Exempt
Senior Water Distribution Wkr Non-Exempt
Water Distribution Wkr Non-Exempt
Water Meter Maintenance Tech. Non-Exempt
Sr. Water Meter Maintenance Tech. Non-Exempt
Lead Customer Service Worker Non-Exempt
Customer Service Wkr I/II Non-Exempt
Office Staff Assistant II/III Non-Exempt