



8.03 HOURS OF WORK, OVERTIME COMPENSATION & MANAGEMENT LEAVE: FLSA EXEMPT EMPLOYEES

**Overtime Compensation
Not Authorized For
Employees Who Qualify as
Exempt under FLSA**

Compensation for hours worked beyond 40 in a workweek is not authorized for employees who qualify for exemption as defined by the Fair Labor Standards Act (FLSA). Acceptance of an exempt position with the City of Portland constitutes acknowledgement that job responsibilities may require a workweek in excess of 40 hours in a workweek.

Emergency Exception: Exempt employees may be eligible for overtime or compensatory time off, at straight time, for additional hours worked necessitated by an emergency, as declared by the Mayor pursuant to Portland City Code section 15.08.020 or in accordance with the requirements of an established Bureau emergency plan, or as otherwise approved by the Director of Human Resources and City Council.

Specific Exceptions:

1. Public Works Supervisors and Electrical Supervisors

With the approval of the Bureau Director, Public Works Supervisors and Electrical Supervisors will be eligible for overtime at time and a half for additional hours worked when supervising a field crew working overtime or when responding to urgent service situations (such as, but not limited to, weather related emergencies, infrastructure system failures, and providing mutual aid to other bureaus/agencies responding to urgent situations). Such employees will not be eligible for management leave in addition to overtime.

**2. Bureau of Emergency Communications
ECS I**

With the approval of the Bureau Director, ECS Is will be eligible for overtime at time and a half for additional hours worked when providing 24 hour 9-1-1 operations unit coverage or when responding to urgent service situations (such as, but not limited to, weather related emergencies, infrastructure system failures, and providing mutual aid to other bureaus/agencies responding to urgent situations). Such employees will not be eligible for management leave in addition to overtime.

**3. Bureau of Emergency Communications
ECS II**

With the approval of the Bureau Director, ECS II's will be eligible for overtime at time and a half for additional hours worked when providing coverage for ECS Is and when responding to urgent service situations (such as, but not limited to, weather related emergencies, infrastructure failures and major emergency

situations in the City of Portland). Such employees will not be eligible for management leave in addition to overtime.

Call Back Pay

There is no "call-back" pay for non-represented FLSA exempt employees who are called to return to work in situations other than an emergency, as defined in an existing Bureau Emergency Plan or as declared by the Mayor pursuant to Portland City Code Section 15.08.020.

Absences of Less than One Day

Absences of less than one day, except as noted below, should not be charged to accumulated time off such as vacation or sick leave or taken as leave without pay for nonrepresented FLSA exempt employees. Absences must still be pre-approved according to bureau work rules and expectations.

Under the following circumstances absences of less than one day may be charged to accumulated time off:

1. Where the employee is generally unavailable to work their regularly scheduled work hours due to, but not limited to, working a reduced hour schedule or a predetermined intermittent leave schedule, ("generally unavailable" means the employee is unable to work at least 75% of their scheduled work hours); or
2. Where the employee leaves work four or more hours early prior to the start of a vacation period.

Bureaus and individual managers are responsible for setting and monitoring accountability expectations.

Management Leave

A bureau director may grant up to eighty (80) hours additional paid leave per calendar year to nonrepresented employees who are not eligible for overtime compensation. The intent of management leave is to recognize the additional individual efforts, performance and achievements beyond the standard workweek. The granting of management leave, and the amount of leave awarded, is at the discretion of the bureau director and does not constitute guaranteed time off for non-represented employees who are exempt from overtime compensation. 53-hour FLSA exempt employees in the Fire Bureau may receive 106 hours of management leave per calendar year.

Management leave cannot be carried over to the following calendar year nor will it be paid out in cash if it is not used.

FLSA exempt employees are not eligible for compensatory time except as stated under the bureau emergency exceptions above.

FLSA Exempt Employees Covered by a Collective Bargaining Agreement

Rules for Hours of Work and Overtime for any represented FLSA exempt employee will be administered according to the collective bargaining agreement.

Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised: October 15, 2002
