



## 8.02 HOURS OF WORK AND OVERTIME COMPENSATION: FLSA COVERED EMPLOYEES

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### **Overtime for FLSA Covered Employees Not Covered Under a Collective Bargaining Agreement**

Non-represented FLSA covered employees must be compensated for all hours worked over 40 in a workweek. Compensation can be in the form of cash payment at time and one-half or compensatory time off providing the guidelines under Compensatory Time Off are followed.

Paid absences during the workweek shall not be considered as time worked for the purpose of computing weekly overtime.

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### **Definitions**

**FLSA Exempt** employees are not eligible for overtime.

**FLSA Covered** employees are eligible for overtime.

**Represented** employees are covered by a collective bargaining agreement.

**Non-represented** are employees not covered by a collective bargaining agreement.

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### **FLSA Status of Employees**

Classification & Compensation will determine the FLSA status of any particular employee according to the FLSA standards. The status of a classification is indicated in the [Compensation Plan](#) under the heading FLSA. C/Y indicates that an employee is covered by the FLSA and is eligible for overtime. E/N indicates that an employee is exempt from FLSA coverage and not eligible for overtime.

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### **Authorization of Overtime**

Bureaus will designate those supervisory employees and managers who are authorized to approve overtime. Overtime must be pre-approved and FLSA covered employees may not authorize their own overtime.

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### **Unauthorized Work**

Unauthorized overtime hours worked by an FLSA covered employee will be paid. However, such unauthorized work may subject the employee to disciplinary action.

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### **Compensatory Time Off**

Employees' ability to receive compensatory time in lieu of overtime pay is at the discretion of the Bureau. Bureaus, however, cannot require that employees take compensatory time in lieu of overtime compensation. Compensatory time can only be provided if authorized by the employee in writing or by the exclusive bargaining representative in a collective bargaining agreement or memorandum of agreement. Such authorization shall be in effect until withdrawn in writing by the employee.

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Compensatory time shall be credited at the rate of one and one-half hours for each hour of overtime worked.

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**Maximum Accrual of  
Compensatory Time Off**

Accrual of compensatory time off may not exceed 80 hours in a calendar year. Any accrued but unused compensatory time remaining at the end of a calendar year will be paid in cash or carried over into the next calendar year, at the employee's option. Any compensatory time carried forward into the next calendar year will count against that calendar year's total accrual.

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**Using Compensatory  
Time**

Compensatory time off will be arranged by mutual agreement between the employee and the supervisor. Compensatory time off must be allowed providing the employee has provided reasonable advance notice to a supervisory and the time off will not unduly disrupt the bureau's operations. The need to hire an employee on overtime to fill in for the employee on compensatory time off does not constitute undue disruption.

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**Transfer of Employees with  
Accrued Compensatory  
Time**

If an employee transfers to another bureau or separates from City employment, all accrued compensatory time will be paid in cash or used before such transfer or separation.

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**Compensation for Call  
Back**

An FLSA covered employee responding to a call back shall be compensated for actual time on the job at the overtime rate. When actual time on the job is less than 1-3/10 hours, it shall be reported as 1-3/10 hours at time and one-half. If the call back occurs on a holiday, the employee is entitled to pay for 8 hours at the regular rate in addition to overtime for actual time on the job.

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**Rescheduling of Work Days**

An employee normally shall be given adequate advance notice of any change in regular hours of work. If that notice is given less than 8 hours before the employees is to begin work under the changed schedule, the employee shall be compensated at the overtime rate for those hours that are earlier, later or different than the hours the employee last worked in a work day. Compensation under this Section shall not exceed 8 hours at the overtime rate. An employee is not entitled to compensation at the overtime rate under this Section if otherwise entitled to overtime for the same hours of work.

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**Administrative Rule  
History**

Adopted by Council March 6, 2002, Ordinance No. 176302  
Effective April 5, 2002  
Revised September 16, 2005

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