

Buffalo County Resolution



Drafted By:
Sonya J. Hansen
Presented Month/Year:
December 2017
Involved Committees:
Human Resources
Finance

County Department:
Administration
Fiscal Impact: YES / NO
AC Approved: YES / NO

RESOLUTION # 18-03-05

A RESOLUTION TO AMEND POLICY 103 OVERTIME & COMPENSATORY TIME OF THE BUFFALO COUNTY EMPLOYEE HANDBOOK


WHEREAS, the current Buffalo County Handbook requires the Buffalo County Board of Supervisors to authorize by resolution any amendments to the Employee Handbook; and,

WHEREAS, the Fair Labor Standards Act requires employers to pay a rate of one and one-half times the employee's normal hourly rate for all "hours worked" in excess of forty (40) in a week for non-exempt employees; and,

WHEREAS, the Human Resource Committee has reviewed the overtime and compensatory policy and recommends January 1, 2018, revising the section addressing overtime and compensatory time to comply with the Fair Labor Standards Act. A copy of the revised policy is attached as Exhibit A and to be incorporated herein and to become a part of this resolution; and,

NOW, THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby approves revising the Buffalo County Employee Handbook POLICY 103 OVERTIME AND COMPENSATORY TIME as presented as part of this resolution.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 26 day of March, 2018.


County Clerk

ATTEST:


County Board Chairperson

Respectfully Submitted:

Human Resources Committee

Larry Grisen
Larry Grisen

Mary Anne McMillan Urell
Mary Anne McMillan Urell

Donald A. Hillert
Donald A. Hillert

Excused
Nettie Rosenow

Excused
Michael L. Taylor

Finance Committee

Douglas Kane
Douglas Kane

Donald A. Hillert
Donald A. Hillert

Excused
David Danzinger

Larry Grisen
Larry Grisen

Excused
Nettie Rosenow

ANTICIPATED FINANCIAL IMPACT STATEMENT

None

POLICY 103. OVERTIME AND COMPENSATORY TIME

1. **Purpose:** To provide a consistent system for distributing overtime and compensatory time in compliance with the overtime-pay provisions of the Federal Fair Labor Standards Act (FLSA).
2. **Definition:** Overtime is any time worked in excess of forty (40) hours within a weekly payroll period beginning on Sunday and ending on Saturday.
3. **Accrual:** Any paid benefit time (paid time off, extended leave bank, nonproductive holiday hours, etc.) shall not be counted as hours worked for overtime purposes.
 - 3.1 Compensatory time shall not accumulate beyond sixty (60) hours unless otherwise addressed in this policy. Exceptions may be approved on a case-by-case basis upon the recommendation of the Department Manager and approval by the County Administrative Coordinator. Any request from the Department Manager shall be in writing and include details supporting the request and a plan for reduction of hours.
 - 3.2 The Department Manager or their designee must develop plans to reduce accumulated compensatory time in excess of sixty (60) hours within three (3) months of the time being accumulated. Exceptions may be approved if written supporting documentation is provided by the Department Manager to the County Administrative Coordinator for up to an additional three (3) months.
4. **Approval:** The employee's Department Manager or their designee will have the right to approve or deny overtime and compensatory time requests. Except in emergencies, all overtime and compensatory time either earned or utilized must be approved in advance and documented on the employee's time sheet.
 - 4.1 An employee who works unauthorized overtime or compensatory time may be subject to employee disciplinary action.
5. **Exempt/Non-Exempt Employees:**
 - 5.1. Each position/employee is designated as either "Non-exempt" or "Exempt" from the federal Fair Labor Standards Act (FLSA) and state wage and hour laws. Appendix E
 - 5.2 Employees classified as "non-exempt" are paid on an hourly basis and entitled to overtime pay for hours worked in excess of forty (40) hours per week.
 - 5.3 Overtime for non-exempt employees shall be compensated by payment of one and one-half (1½) times the regular rate of pay, or as compensatory time off of one and one-half (1½).
 - 5.4 Employees classified as "exempt" are paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws and are not eligible for overtime pay.

Policy 103. OVERTIME & COMPENSATORY TIME

Effective Date: May 31, 2015

Revised Date: January 1, 2018

**Buffalo County
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- 5.5 Department Managers and “exempt” supervisory employees are not eligible for compensatory time or overtime.
- 5.6 Exempt professional and administrative personnel as defined by FLSA, excluding Department Managers and exempt supervisory employees, working in excess of their respective hourly and weekly schedules earn compensatory time on the basis of one hour compensatory time for one hour worked as approved by the Department Manager.
- 6. Communication/Corrections Employees Overtime:**
- 6.1 Overtime is any time worked in excess of forty (40) hours within a standard work week beginning on Sunday and ending on Saturday. Time worked includes travel to and from trainings held outside of the courthouse building.
- 6.1.1 Schedules are subject to change due to meetings, staffing needs or training to minimize use of overtime hours.
- 6.1.2. Overtime will be paid for anything outside the employee’s work schedule if the schedule change is made with less than twenty-four (24) hour notice.
- 6.2 Communications/Corrections cannot accumulate compensatory time. Overtime will be compensated by payment at one and one-half (1 ½) time the regular rate of pay.
- 6.3 If a communication/corrections employee is called in to work to outside of their normal work shift, the employee shall receive overtime pay at the rate of one and one-half (1 ½) his her/hourly wage. The employee’s time sheet shall identify this as “unscheduled”.
- 6.4 If a communications/corrections employee is scheduled for training or staff meeting prior to the start of a shift or immediately after a shift or on their scheduled day off, overtime is paid if the employee has excess of forty (40) hours of time worked within the standard work week.
- 6.5 If a communications/corrections employee is requested to remain at work beyond the normal completion of their scheduled work shift to complete assigned duties, time will be credited towards time worked and overtime will be paid if the employee has excess of forty (40) hour of time worked within the standard work week.

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7. Highway Department Overtime:

- 7.1 Overtime shall be compensated by payment of one and one-half (1 ½) times the regular rate of pay.
- 7.2 Due to flexible daily work schedule, overtime shall be paid for hours worked in excess of forty (40) hours per week in a day or forty (40) in a standard work week beginning on Monday and ending on Friday.
- 7.3 A minimum of two (2) hours shall be paid to employees called into work for outside the standard work week.
- 7.4 All hours on Saturday, Sunday and holidays shall be compensated at one and one half (1 ½) times the regular rate of pay.

8. Highway Department Compensatory Time:

- 8.1 Upon approval of Highway Management, in lieu of overtime payout for any overtime accumulated, an employee may accumulate compensatory time at time and one-half (1½) for each hour worked.
- 8.2 Compensatory time may be accumulated up to a maximum of forty (40) hours; if compensatory time is not used, all hours accrued shall be paid out to zero on the payroll following June 30th and prior to December 31st.
- 8.3 Accumulated or earned compensatory time can only be used in at least one-half (1/2) hour increments. If an employee wishes to use accumulated compensatory time, the employee must do so by indicating on the daily time sheet for that day approved by Highway Management.

9. On Call Pay (Health and Human Services Employees):

- 9.1 Employees required to be on call shall be paid at the rate approved by the Buffalo County Human Resources Committee, Buffalo County Finance Committee and Buffalo County Board of Supervisors through the normal budget process.
- 9.2 Employees performing non-direct duties, i.e. phone contacts, time will be logged in ten (10) minute, non-overlapping increments for the purposes of compensation.
- 9.3 Direct contact situations will be actual time and shall be compensated at a minimum of one (1) hour.
- 9.4 Compensation will be in the form of compensatory time at the straight time rate for exempt professional employees.

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