



LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS
County Procedure

Title: DESIGNATED WORK HOURS AND OVERTIME

Number: ES-4.04.01

Approved: July 7, 2009

Originator: Office of Employee
Services & Quality
Improvement

Review: July 7, 2014

I. PURPOSE AND SCOPE

To establish standards for hours of work, timekeeping and overtime administration for all employees of the Lake County Board of County Commissioners (BCC) in accordance with Lake County Policy LCC-90 and all applicable Federal and State laws, including the Fair Labor Standards Act (FLSA). Where specific provisions of a collective bargaining agreement apply to certain employees, the collective bargaining agreement provision controls.

II. DEFINITIONS

- A. Exempt employee: An employee who is exempt from the overtime requirements of the FLSA, as determined by the Office of Employee Service & Quality Improvement (Employee Services).
- B. Non-exempt employee: An employee who is subject to the overtime requirements of the FLSA, as determined by Employee Services.

III. PROCEDURES

- A. 1. Business Hours

Due to the diversity of operations administered by the Board of County Commissioners, each department/office director shall establish the normal hours of work with the concurrence of the County Manager. The standard work week shall typically consist of a total of forty (40) hours. Depending on work requirements, the normal workweek may include weekend and/or evening work. In general, administrative offices shall be open to the public from 8:00 am until 5:00 pm, Monday through Friday, though specific office hours may vary based upon the function or operational demands of each office.

Employees are expected to be ready to work promptly at the start of their assigned shift and depart from work promptly at the end of their assigned shift.

2. Timekeeping

Non-exempt employees are required to complete time-sheets or make entries into a time-keeping system each day to record actual time worked to the nearest quarter of an hour.

Exempt employees are required to complete an accurate report of leave used each pay period.

Timesheets must be completed for each two (2) week pay period.

3. Meal Periods and Breaks: Meal periods and breaks are neither required nor governed by law and are therefore at the discretion of the County in accordance with the following:

Each non-exempt employee must take a minimum of one-half hour for a meal break during each shift that exceeds six (6) hours. Supervisors are responsible for determining meal schedules subject to operational demands.

Each non-exempt employee may also take one fifteen (15) minute break for each four (4) hour block of work scheduled per work day. Availability of breaks is subject to operational demands. Supervisors are responsible for fairly administering breaks.

Example: An employee scheduled to work an 8 (eight) hour day may take a fifteen (15) minute break mid-morning and another fifteen (15) minute break mid-afternoon.

Lunch periods and breaks may not be accumulated for use as leave time on any given day, week or pay period.

B. Tardiness & Reporting Procedures

1. Tardiness

Employees are expected to be ready to work promptly at the start of their assigned shift. Failure to do so may result in corrective action in accordance with BCC procedure ES 4.01.01, Corrective Action Administration.

2. Reporting Late Arrival

Supervisors shall establish call-in procedures for employees who anticipate being tardy to the worksite. Such procedures shall be distributed to all subordinate employees. Failure to call-in in accordance with departmental call-in procedure may lead to corrective action.

Actual employee arrival time must be documented on the non-exempt employee's timesheet in accordance with Section A (2) above.

3. Reporting Absences

Employees who are scheduled to work must call in prior to the start of the scheduled work day to report an unscheduled absence.

Supervisors shall establish specific call-in procedures for employees who will be absent for the work day. Such procedures shall be distributed to all subordinate employees. Failure to promptly report absences in accordance with departmental call-in procedure may lead to corrective action.

4. Job Abandonment

An absence of two (2) or more consecutive work days without notification and/or approval is considered job abandonment and a voluntary resignation.

C. Overtime

1. General Administration

Department/Office directors, division directors, or other management staff may schedule overtime when it is necessary (i.e. it is not feasible to handle operational demands through flexible scheduling or other schedule modifications).

Employees required to work overtime will generally be given at least forty-eight (48) hours of advance notice when practicable.

2. Overtime Payment for Non-Exempt Employees

Non-exempt employees shall receive overtime compensation at a rate of one-and-a-half times their regular rate of pay for any hours worked in excess of forty (40) per work week.

Non-exempt employees are not permitted to work overtime without express prior supervisory approval. Employees working overtime without appropriate prior authorization will be paid appropriately for the overtime hours, but will be subject to corrective action, up to and including termination.

To the greatest extent operationally feasible, flexible scheduling within the pay week will be used to avoid incurring of overtime in accordance with County Procedure ES-4.04.06, Flexible Scheduling.

Time worked for the purposes of overtime calculation shall include holidays and annual leave scheduled in advance, but shall not include sick leave, administrative leave, or annual leave substituted for sick leave only because sick leave has been exhausted.

3. Call-Back

Non-exempt employees required to come to work on off-duty hours due to an emergency or other urgent situation shall be paid in accordance with Section 2 above (e.g. at the time-and-one-half rate for actual hours worked exceeding the forty (40) hour threshold).

4. On-Call Pay

Non-exempt employees required to be "on call" shall be paid two (2) hours of their regular pay for each twenty-four (24) hour period they are on-call. On-call hours are not considered to be hours worked for purposes of overtime.

5. Exempt Employees

Exempt employees are compensated based on the total job rather than the number of hours worked. As such, exempt employees are expected to allocate whatever amount of time is necessary to accomplish the tasks assigned to them and to successfully execute the duties and responsibilities of the position. Although forty (40) work hours is the typical standard, exempt employees are often required to work extended or irregular hours above the forty (40) hour work schedule to perform successfully. Exempt employees do not earn overtime pay for these hours over and above the standard work schedule. In turn, exempt employees are not required to deduct pay or accrued time for absences of less than one full work day.

Supervisors are responsible for setting work schedules, allowing or denying partial-day absences, optionally requiring that the absences be for the full scheduled day, and for monitoring the performance of exempt employees.

Abuse of this privilege and/or substandard job performance by an exempt employee will lead to corrective action, up to and including termination.

When an exempt employee's absence is protected under the Family/Medical Leave Act (FMLA), partial day accrual use and FMLA entitlement may be used in increments of fifteen (15) minutes in accordance with procedure ES-6.04.08, Family Medical Leave Act.

6. Safe Harbor under the FLSA

It is the policy of the BCC to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, employees are responsible for recording all work time in accordance with the provisions above and for reviewing paychecks promptly to identify and report all errors. Non-exempt employees are prohibited from engaging in off-the-clock or unrecorded work.

Non-Exempt Employees

Non-exempt employees are responsible for recording actual time worked each day. Hours must be accurately recorded on a time sheet or time tracking system to which employees will have ready access. Each employee must sign his/her time sheet (whether paper or electronic) to verify that the reported hours worked are complete and accurate and that there is no unrecorded or "off-the-clock" work. The time sheet must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks. Upon receipt of paychecks, employees should immediately verify that pay was provided appropriately.

Exempt Employees

Exempt employees will be paid a full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to pay deductions permitted by law, including the following:

- Full day absences for personal reasons, including vacation
- Full day absences for sickness or disability, since the BCC has a sick leave plan
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others)
- Family and Medical Leave absences (either full or partial day absences)
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in BCC policy and

procedure.

- The first or last week of employment in the event that an employee works less than a full week.

Note: Exempt employees are required to use accrued vacation or sick leave for full day absences for personal reasons, sickness, or disability. However, exempt employee salary will not be reduced for partial day absences if no accrued leave is available. In such case, leave will be advanced to the exempt employee and used prospectively.

Reporting

Employees who have questions regarding deductions from their pay, believe that their wages have been subject to any improper deduction, or believe that pay does not accurately reflect all hours worked should contact Employee Services immediately. Each report will be appropriately addressed and rectified in a timely manner. Willful violations will subject the offending employee to corrective action, up to and including termination.

IV. **RESERVATION OF AUTHORITY**

The authority to issue or revise this Procedure is reserved to the County Manager. The County Manager may authorize exceptions to this procedure when deemed appropriate.

Approved By: Cindy Hall, County Manager

Date: 7/7/09