



St. Clair County Comprehensive Overtime Policy 58 and Procedures

Purpose

The purpose of this policy is to establish a comprehensive set of policies and procedures to address the manner by which St. Clair County, Alabama (the “County”) compensates its employees when the same work “overtime” hours pursuant to the Fair Labor Standards Act (“FLSA”).

Objectives

The objectives of this policy are to:

1. Ensure all “like” County employees are treated consistently and in compliance with the FLSA.
2. Provide guidance to supervisors and department heads as to how best to manage their respective employees so as to properly manage overtime issues.
3. Accurately project compensation expenses for the County as a whole and manage the same consistently therewith.
4. Minimize unnecessary overtime and, as a result, better steward the public monies under the control of the County Commission (the “Commission”).

Scope

This policy applies to all employees of St. Clair County.

Policy

It is the policy of St. Clair County to compensate all “like” employees in a consistent manner and in compliance with the FLSA.

Definitions

Exempt Employee - Any employee who, by their job duties, compensation and/or other applicable factors is not subject to the overtime provisions of the FLSA.

Non-exempt Employee - Any employee who, by their job duties, compensation and/or other applicable factors is subject to the overtime provisions of the FLSA.

Department Head – Any employee overseeing a department of the County, overseeing no less than two (2) full-time employees and who is shown particular deference in matters of hiring / firing of the applicable department’s employees.

Compensatory Time off or “Comp Time” – Leave time accrued in lieu of and at the same rate as Overtime Pay for non-exempt employees

Overtime Pay - 1 and ½ times an employee’s hourly rate of pay

Overtime – For non-law enforcement employees, any hours worked above forty (40) in a given Work Week.

Work Week – a seven (7) consecutive day period from Sunday to Saturday

Overtime

Non-exempt employees working more than forty (40) hours in a given Work Week shall receive Overtime Pay or Comp Time, at their discretion, pursuant to the FLSA. Subject to other policies of the County, Overtime shall not accrue until forty (40) hours are **actually worked** by an employee without consideration to any leave time used during the applicable Work Week.

Compensatory Time

Non-exempt employees who elect to receive Comp Time in lieu of Overtime Pay shall be required to use it as follows. Comp Time accrued between October 1st and March 31st of any fiscal year must take said hours no later than September 30th of the same fiscal year. Any Comp Time accrued between April 1st and September 30th of any fiscal year must take the same before March 31st of the subsequent fiscal year.

Exempt Employees

Generally, exempt Employees are ineligible for Overtime or Comp Time. Under exigent circumstances, Exempt Employees may petition the Commission for additional compensation if extraordinary work was required outside the general scope of the Exempt Employee’s standard schedule or responsibilities.

Exempt Employees who work more than ten additional hours in a given Work Week (i.e. more than 50) are *eligible* for additional compensation (not necessarily Overtime Pay) under unique situations. Said requests should be made to the Commission by the Department Head and the Commission will consider the same.

As a non-exhaustive list and subject to the Fair Labor Standards Act, all Department Heads and all professionals employed by the County are Exempt Employees as the same qualify under the Administrative, Executive or Professional Exemption.¹

Department Head

It is the responsibility of the Department Head to manage the employees within his/her designated Department. As a part of the managerial responsibilities, Department Heads shall schedule employees so as to minimize Overtime worked by the employees within the Department. For example, should an employee be required to work 10 hours during a given day of an applicable Work Week, the Department Head should strive to reduce said employee's time worked by two hours during a different day of said Work Week.

Enforcement and Violations

Violation of this policy may result in disciplinary action, up to and including termination of employment. Any disciplinary action will be in accordance with the St. Clair County Personnel Policy.

Written Acknowledgment

The Commission requires all Department Heads to read and acknowledge the terms of this policy by execution of the below.

Signature _____

Date _____

¹ It is noted that all Department Heads and professionals are and shall be paid a "salary" pursuant to the Fair Labor Standards Act even though the same are compensated pursuant to a pay scale and may utilize leave time. Each such employee's applicable salary shall not change on a weekly basis and is greater than applicable threshold.