

Utah County Human Resource Policy 2-1500: Overtime

Purpose

This policy defines overtime compensation eligibility for Utah County employees, and it sets forth the procedures for the application and use of overtime in Utah County operations. It is the intent of this policy and procedures to comply with the Fair Labor Standards Act.

I. Policy

Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act, as amended (FLSA). Those employees eligible to receive overtime compensation for Utah County government service are all County employees except those who are considered exempt from the overtime provisions of the FLSA. Employees who are exempt and; therefore, not eligible for overtime pay or compensatory time off are certain management and professional employees.

II. Procedures

- A. Overtime is defined as hours worked in excess of forty (40) hours during any one work week. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime. Non-exempt Public Safety employees (POST Certified); however, utilize a work period of fourteen (14) days with a maximum of eighty-six (86) allowable hours before overtime compensation is paid.
- B. In emergency situations or under very unusual circumstances only, department heads may assign and authorize an employee to perform extra work on an overtime basis. All overtime worked must have the above described supervisory authorization before the work is performed, when not an emergency situation. Department determination of overtime needs is subject to review and change by the Office of Human Resource Management, Auditor and approval by the County Commission. There is no guarantee of overtime work and supervisors may manage and limit overtime scheduled based on operational need.
- C. The amount of time accounted by paid leave, holidays, or on-call status will not be included in calculating hours for overtime pay.
- D. Overtime shall be paid at the rate of time-and-one-half the regular hourly rate of pay for the employee. However, compensatory time off at time-and-one-half may be granted in lieu of overtime pay. The employee may designate the desired compensation option; however, the department head determines the compensation option to be applied.
- E. Employees may accrue up to eighty (80) hours of compensatory time. Accrued compensatory

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time should be taken off as soon as is practical but should be used within one year of accrual. All overtime hours worked in excess of the maximum accrual must be paid when worked. All accrued compensatory time shall be paid based on the regular rate earned by the employee at the time the employee receives such payment.

- F. Employees are encouraged to use compensatory time quickly and shall be permitted to use such time off within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the operations of the department.
- G. Employees are expected to use accrued compensatory time before using accrued vacation time. Exceptions may be made by the Director upon request of the department head.
- H. Employees promoted from non-exempt positions to positions considered exempt from the overtime provisions of the Fair Labor Standards Act, as amended, shall be paid out for all remaining officially accrued compensatory time at their regular hourly rate of pay in the non-exempt position. Additionally, employees laterally transferring to another department, in accordance with Section III. L., may be paid for all or a portion of the balance of officially accrued compensatory time by the department from which the employee is transferred
- I. Justification of Overtime
 - 1. All overtime will be justified and approved by department head or designee.
 - 2. Employees must receive approval from their supervisor prior to working overtime. Employees who work unapproved overtime are subject to progressive discipline.
- J. Overtime reimbursed by FEMA (Federal Emergency Management Agency).
 - 1. FEMA guidelines will be followed and are recognized as being different from the overtime regulations listed above.
 - a. FEMA overtime will be paid at time and one half.
 - b. Payment will be made on employee's gross pay and will not include payment on benefits.
 - c. Compensatory time cannot be taken in lieu of cash payment.
 - d. FEMA overtime will be entered on time sheets under the "other pay" column which initiates a tax deduction and no benefits payment.
 - 2. Employees eligible to receive overtime through FEMA are listed in FEMA guidelines.

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K. Secondary / Overtime Employment for Law-Enforcement Functions

1. All requests to Utah County government from a person, business, or organization to employ Utah County Sheriff's Office Public Safety employees (POST Certified) during off-duty hours, in an official law enforcement capacity, must first be approved by the Sheriff, Office of Human Resource Management, and Utah County Commission. The hours of work for the separate and independent employer are not combined with the hours worked for Utah County government for purposes of overtime compensation.
2. The outside employer costs to hire off-duty POST Certified employees of the Utah County Sheriff's Office include time and one-half pay at the employee's hourly wage plus any other related costs such as benefits that have to be paid by the County to the employee. If outside employment requests fall within the provisions of the Fair Labor Standards Act, as amended, section 553.227 outside employment, employees holding positions considered exempt from the Fair Labor Standards Act as amended will be eligible for hourly payments as negotiated between the outside employer and Utah County.

II. References

<https://www.dol.gov/whd/flsa/>

<https://www.dol.gov/whd/regs/compliance/whdfs8.pdf>