

## VI. WORK WEEK, EMPLOYEE SCHEDULES AND OVERTIME

- A. Work Week and Pay Period. Utah County's work week begins 12:00 a.m. Saturday and ends 11:59 p.m. the following Friday. A pay period consists of two (2) consecutive work weeks as designated by the County's pay period schedule.
1. Each full-time, county employee (except the employees holding positions considered exempt from the Fair Labor Standards Act, as amended) and all public-safety employees, shall account for a minimum of forty (40) hours of work time each work week and submit signed time documentation through his/her supervisor to the department head. Additionally, such full-time employees are prohibited from utilizing leave, other than vacation and accrued compensatory time used for the purpose of being absent during scheduled work time, to complement actual hours worked to receive payment for more than forty (40) hours in any work week.
  2. Full-time, public-safety employees (except the employees holding positions considered exempt from the Fair Labor Standards Act, as amended) shall account for a minimum of eighty (80) hours of work time each pay period and submit signed time documentation through his/her supervisor to the department head. Additionally, such full-time, public-safety employees are prohibited from utilizing leave, other than vacation and accrued compensatory time used for the purpose of being absent during scheduled work time, to complement actual hours worked to receive payment for more than eighty (80) hours in a pay period or a different authorized and routine pay period work schedule for employees critical to the operation of a facility mandated to provide service twenty-four (24) hours each day, seven (7) days each week. A pay period work schedule other than eighty (80) hours in a pay period must provide benefit to the County and have Utah County Commission endorsement.
  3. Employees holding positions considered exempt from the Fair Labor Standards Act as amended, shall account for their work time each pay period and submit the same form of documentation defined above. FLSA exempt public employees are limited from being paid more than their authorized biweekly salary rate for Utah County government service.
  4. Employees holding Career Service half-time positions must account for a minimum of forty (40) work hours per pay period, and may not work more than 25 hours in any workweek. Occasional exceptions may be allowed in unusual circumstances if requested in advance by the Department Head and approved by the Director. Career Service

employees holding three-quarter time positions must account for a minimum of sixty (60) hours of work time each pay period. All employees must follow the same documentation requirement defined above. Additionally, half-time employees are prohibited from utilizing leave, other than vacation and accrued compensatory time used for the purpose of being absent during scheduled work time, to complement actual hours worked to receive payment for more than fifty (50) hours in any pay period. Three-quarter time employees are prohibited from utilizing leave, other than vacation and accrued compensatory time used for the purpose of being absent during scheduled work time, to complement actual hours worked to receive payment for more than seventy-nine (79) hours in any pay period.

B. Employee Work Schedules

1. Employee work schedules shall be set by department supervisors based on work needs and to provide adequate staff coverage during normal business hours of the department. The normal work schedule for all full-time County employees is 80 productive hours a pay period.
2. Typically, full-time employees will be scheduled to work eight (8) hours a day, five (5) days per work week, with an unpaid meal period. An employee may request, and the department head may authorize, a daily starting and quitting time that differs from usual department hours. Different work schedules (i.e. 4/10's) may be authorized by the department head and the Office of Human Resource Management, if the schedule will provide benefit to the County by increasing work efficiency.
3. Rest Periods
  - a. Breaks of not more than 15 minute durations, usually one (1) to be taken at least an hour prior to the meal period and one (1) to be taken at least an hour after the meal period, will be scheduled by departments for each County employee.
  - b. The purpose of granting rest periods is to relieve mental strain and fatigue, and therefore the following practices are not permitted:
    - i. Combining two daily breaks into one 30- minute rest period.
    - ii. "Banking" rest period time from day to day.
    - iii. Saving rest period time to extend lunch hours or shorten work days.

- iv. Requesting compensatory time off or pay for work performed during rest periods.
- 4. Meal Periods. Meal periods are usually of one-hour duration and are unpaid. Each full-time employee must have a scheduled meal period of at least one-half hour, unless the meal period is compensable in accordance with the Fair Labor Standards Act, as amended.
  - a. Lunch hours may be staggered if the department must continue uninterrupted public service.
  - b. Employees may or may not be permitted to eat at their workplace depending on the nature of the job and the department policy.
  - c. Requesting compensatory time off or pay for work performed during unpaid meal periods is not authorized.

5. Break Time for Nursing Mothers

It is the intent and purpose of this policy, in compliance with State and Federal Law, to encourage and support employees who are nursing their children as a means of promoting the health of mother and child.

- a. For up to one year following her child's birth, an employee who is nursing will be allowed reasonable break time as needed to nurse or express breast milk for her nursing child.
- b. The frequency and length of such breaks will depend on the needs of the mother, and will likely vary. The employee is directed to consult with her supervisors and/or the Director regarding the frequency and duration needs for nursing or expression of breast milk. To the extent that break time is needed in excess of the meal and rest periods described above, such break time will be unpaid.
- c. Break rooms with electrical outlets, and which are free from intrusion from coworkers and the public, have been designated for nursing and expression of breast milk in each of the main County buildings. Refrigerators have also been provided for the temporary storage of breast milk.
- d. If nursing or breast milk expression breaks are needed in other locations, employees should consult with their supervisors and/or the Director to determine an appropriate location.

C. Overtime

1. Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act as amended.
2. 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 Fair Labor Standards Act as amended. Employees who are exempt and; therefore, not eligible for overtime pay or compensatory time off are certain management and professional employees. Generally, this group consists of County employees in the 1000 and 2000 series of EE04 codes as designated by the Director. If a question exists about the status of a particular position, please check with the Office of Human Resource Management.
3. 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, unless an employee is working under a formal work substitution agreement that has been authorized by the Personnel Office. Non-exempt Public Safety employees (POST Certified); however, utilize a work period of 14 days with a maximum of 86 allowable hours before overtime compensation is paid.
4. 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.
5. The amount of time accounted by leaves, holidays, or on-call status will not be included in calculating hours for overtime pay.
6. Overtime shall be paid at the rate of time-and-one-half the regular hourly rate of pay for the employee. Employees may not sign agreements to work at straight time. 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.

7. Employees may accrue up to 80 hours of compensatory time. Accrued compensatory 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.
8. 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.
9. Employees are required to use accrued compensatory time before using accrued vacation time. Exceptions may be made by the Director upon request of the department head.
10. 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
11. Justification of Overtime
  - a. All overtime will be justified and documented by the utilization of forms approved or provided by the Office of Human Resource Management.
  - b. The overtime justification form shall be submitted with time sheets at the end of each pay period.
12. Overtime reimbursed by FEMA (Federal Emergency Management Agency).
  - a. FEMA guidelines will be followed and are recognized as being different from the overtime regulations listed above.

- i. FEMA overtime will be paid at time and one half.
  - ii. Payment will be made on employee's gross pay and will not include payment on benefits.
  - iii. Compensatory time cannot be taken in lieu of cash payment.
  - iv. FEMA overtime will be entered on time sheets under the "other pay" column which initiates a tax deduction and no benefits payment.
- b. Employees eligible to receive overtime through FEMA are listed in FEMA guidelines.

13. Secondary / Overtime Employment for Law-Enforcement Functions

- a. 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.
- b. 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.