

## **OVERTIME POLICY**

### **I. PURPOSE**

This policy sets forth the County overtime policy, record keeping procedures, and categories of overtime authorization, except those identified in Section II, subparagraphs 1 and 2, for County of Napa and is expressly intended to be in conformance with the Fair Labor Standards Act (FLSA) which becomes effective April 15, 1986.

### **II. DEFINITIONS**

- a. Overtime is defined, except for those employees identified in subparagraphs 1, 2, or 3 below, as any actual hours worked in excess of eight (8) hours in a day or forty (40) hours of work in an employee's standard workweek:
  1. Employees working as extra help shall not be considered as having a regular workweek or schedule and shall be paid only for actual time worked at a straight time rate. Effective April 15, 1986 extra help employees are subject to time and one-half payment under the Fair Labor Standards Act.
  2. For all employees exempt from FLSA in the following units in the Human Services Delivery System, overtime is defined as actual work hours in a payroll status in excess of forty (40) in a workweek: Childrens, Adult Protective Services, Adult Case Management, Planning and Evaluation, Adult Services - Day Treatment, Pathway, and Child Protective and Foster Care Services, and District Attorney - Family Support.
  3. For employees who work four (4) ten (10) hour days, overtime is defined as any actual hours worked in excess of ten (10) or forty (40) hours in an employee's standard workweek.
- b. "Standard workweek" is a seven-day period beginning at midnight on the first day and ending at midnight at the end of the seventh consecutive calendar day. The standard workweek may vary from employee to employee and department to department. The standard workweek for most County employees shall be the period commencing Saturday, 12:01 a.m. to the following Friday, midnight.
- c. "Standard work schedule" is Monday through Friday totaling forty (40) hours. The standard work hours (shift) are 8:00 a.m. to 5:00 p.m. with one (1) hour for lunch. The standard work hours and/or days of a standard work schedule may be altered upon request by the Department Head and approval of the County Administrator.
- d. In this policy, Law Enforcement Unit and Law Enforcement Unit - Supervisory will be referred to as applying to law enforcement employees. This policy will govern except as specifically modified by the respective Memorandums of Understanding.

- e. "Normal workday" is eight (8) consecutive hours of work, exclusive of a lunch period, in a twenty-four (24) hour period.
- f. "Actual work" is the presence of an employee in a working, on-duty status.
- g. "Payroll status" is the time an employee is in a paid status, whether on actual work or while off duty on sick leave, vacation, holiday, or on other similar status.
- h. "Contract year" is the specific time period or term of the current Memorandum of Understanding for the respective representation unit.
- i. "Department head" for the purpose of this policy shall also include the designated representative of the department head.
- j. "Fiscal year" for purposes of this policy shall begin at 12:01 a.m. on the first Saturday in July and ends at 12:00 midnight on Friday, fifty-two (52) weeks later.
- k. "Exempt employee" is an employee who is not subject to the provisions of the Fair Labor Standards Act.
- l. "Covered employee" is an employee who is subject to the provisions of the Fair Labor Standards Act.
- m. "Time earned" is compensation in a payroll status in excess of forty (40) hours in a week which is not overtime. Holiday and compensatory time are typical examples.

### **III. POLICY**

- a. Overtime shall only be authorized when the required work cannot be performed during that employee's standard work schedule and, if not performed, would disrupt necessary service to the public, department, or County.
- b. If, in the judgment of a department head, overtime is required of such employee, the Department Head may authorize such overtime work in an amount up to twelve (12) hours per employee for each fiscal year. After an employee has worked twelve (12) hours of overtime in a fiscal year, any additional overtime may be authorized only as set forth in the Departmental Overtime Authorization section of this Policy. This provision applies only to employees in the Public Services Employee Units.
- c. Except as provided in Section III d. and e., overtime shall be compensated as follows in relation to the Public Services Units.
  - 1. Time and one-half (1-1/2) compensatory time off for the first twelve (12) hours of overtime each fiscal year.

2. Any additional overtime in excess of twelve (12) hours in a fiscal year, shall, at the employee's option, be compensated either at the rate of time and one-half (1-1/2) times the employee's standard hourly rate in cash or compensatory time off at the rate of one and one-half (1-1/2) hours off for each such hour of overtime.
- d. When an employee as defined in Section II, a.(2) above is required and authorized to work overtime by his/her department head or the designated representative, such employee shall be compensated hour for hour by straight compensatory time off, up to a maximum accumulation of forty (40) hours. Compensatory time earned shall operate on a revolving basis which is defined to work as follows: As compensatory time off is taken and such accumulation is reduced, subsequent overtime worked shall be added but in an amount not to exceed the said maximum accumulation of forty (40) hours. Compensatory time earned shall be allowed to be carried over from fiscal year to fiscal year.
- e. The County may pay time and one-half (1-1/2) for overtime to other classes when circumstances arise which make it impractical to grant time and one-half (1-1/2) compensatory time off within the provisions of Section III c.
  1. Whenever a department requests to pay time and one-half (1-1/2) in lieu of the provisions of Section III, c, such department shall contact the County Administrator's Office in advance to obtain authority for such exception.
- f. An employee who works more than five (5) normal workdays during a normal workweek shall be compensated for the sixth and seventh day on an overtime basis, except that no overtime shall be paid for such work to an employee who is absent from work for more than one (1) normal workday in a normal workweek due to vacation, sick leave, compensatory time off, a holiday, or a combination thereof. An employee working four (4) ten (10) hour days shall be eligible under this provision on his/her fifth, sixth, or seventh workday.
- g. Compensatory time off earned by a County employee shall be taken at the convenience of the department.
- h. When an employee is authorized to be in a payroll status in excess of eight (8) hours in a day or forty (40) hours in a workweek, such time in excess of eight (8) hours in a day or forty (40) hours in the workweek which was not time actually worked, shall be compensated by straight-time compensatory time off.
- i. Employees who are required to work on a paid holiday in order that necessary County services may be provided, shall be permitted to take equivalent straight time off at the convenience of the department provided such time off is taken within the fiscal year (Public Services Employee Units) or Contract year (Law Enforcement Units) or it shall be forfeited. Notwithstanding the foregoing, Law

Enforcement Unit employees, Correctional Officers, Correctional Nurses, Juvenile Hall Counselors, Legal Clerk I/II, Warrant/Matron Clerk, Matron Clerk and Legal Clerk/Computer Systems Supervisor in the Sheriff's Technical Services Division may at their option be paid at their straight hourly rate or receive straight-time off.

- j. Whenever an employee has the option of being paid in cash for a holiday worked or compensated with compensatory time off, such employee shall designate his/her choice by entering the hours worked on the time card for the pay period in which the holiday was worked.
- k. The County shall compensate Public Services Unit employees and Law Enforcement Unit employees on an overtime basis for actual time spent traveling to, and returning from, one day out-of-county work assignments, conferences, training and workshops when the employee leaves before the start of his/her regular work day and returns after the ending time of his/her regular work day. This provision shall not apply to overnight travel or to management/supervisory employees.

#### **IV. OVERTIME PROCEDURE**

- a. The employee shall record his/her authorized overtime worked on his/her time card. Such overtime must be verified by the employee's supervisor.

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- b. Department heads shall attempt to provide an employee separating from County service the opportunity to use any accrued compensatory time off earned as a consequence of overtime worked prior to separation. When it is not practicable to allow such compensatory time off, the department head shall authorize payment for accumulated overtime at the rate to which the employee is eligible. Accrued time in a payroll status, in excess of eight (8) hours in a day or forty (40) hours in a week (which is not overtime) and not taken prior to termination shall be paid at the employee's standard hourly straight-time rate.
- c. Accrued time in a payroll status, which is not overtime in excess of eight (8) hours in a day or forty (40) hours in a week, shall be taken as compensatory time off within the fiscal year or it shall be forfeited. In the event the taking of compensatory time off is not possible, the department head shall submit a request to the Board of Supervisors seeking either (1) an extension of the accumulation or (2) the consent to pay for such time. The request shall be accompanied by a letter explaining the circumstances and the reasons preventing the employee from taking compensatory time off.
- d. No employee shall work overtime without expressed prior authorization. Time actually worked beyond an employee's standard workweek and standard work hours shall not be considered overtime unless it has been specifically authorized by the department head. In the event a department head delegates the authority to

authorize overtime, the County Administrator shall be notified in writing of the person so designated and shall be kept current.

- e. No employee benefits shall accrue during overtime nor shall it count towards any probation or merit increase period; however, compensatory time off shall be counted towards the completion of an employee's probationary and merit increase periods.
- f. Any regular part-time employee who is authorized and required to work in excess of his standard workweek shall earn straight time equivalent time off or receive cash payment for all or part of such excess work if approved by the department head or his/her designated representative. Such cash payment shall be at the employee's standard hourly rate. Such work shall not constitute overtime unless the part-time employee is required to work in excess of eight (8) hours in a day or forty (40) hours in a week. Cash payment expenditures for extended hours shall be controlled through the amount budgeted in each department's budget.
- g. Except as provided in the "Law Enforcement Unit" and "Law Enforcement - Supervisory" Memorandums of Understanding in the provisions relating to Acting Pay, an employee who acts as a temporary substitute for another employee who is on compensatory time off shall not receive an increase in salary for this work assignment. Extra help or intermittent employees may be utilized to substitute for employees who are on compensatory time off.

#### **V. EXEMPTIONS FROM OVERTIME COMPENSATION**

- a. Employees in the classes listed in Exhibit "A" are considered salaried employees under the FLSA, and are not eligible for overtime compensation. However, in recognition and appreciation of the unusual demands placed on these employees and the fact that these employees receive no compensation for hours worked beyond the normal workweek, such employees shall be entitled to five (5) days of "administrative leave" each fiscal year. Such administrative leave may be used for personal business and is in addition to vacation, sick leave, management leave, and holidays; however, administrative leave is not accruable and has no cash value, therefore, it is forfeited if not used each fiscal year.
- b. Effective April 15, 1986, and notwithstanding any other County rule, policy or ordinance, employees who have been designated as exempt from the provisions of the FLSA, and who are absent from work for less than one (1) day, shall have the time absent charged to accrued vacation, sick, holiday, management or administrative leave, and shall thus receive full pay for the day. When time accrued in these leave categories is exhausted, no charge or "docking" of pay for such absences, if less than one day, shall be made, and such employees shall receive a full day's pay.

- c. Nothing in this rule shall relieve the employee from his/her obligation to obtain approval for any absence according to County and/or departmental policy. Nothing in this rule shall be deemed, construed, or interpreted to provide a defense to any employee who is disciplined for absence from work without authorization. Should Federal statutes, regulations and/or case law not mandate payment for time off from work for less than a day for FLSA exempt employees, this rule may be reopened and revised by the County.
- d. The Personnel Director shall recommend, and the Board of Supervisors shall approve, those job classes determined to be covered by or exempt from FLSA. Such designation of job classes shall be identified on the Table and Index.

## **VI. RECORD KEEPING PROCEDURES**

- a. Absences from work shall be reported to the nearest one-tenth (.10) of an hour as shown in V. b. below.
- b. Overtime worked shall be reported to the nearest one-tenth (.10) of an hour according to the following schedule:

<u>Decimal Hours</u>	
<u>Hours</u>	<u>Minutes</u>
.1	6
.2	12
.3	18
.4	24
.5	30
.6	36
.7	42
.8	48
.9	54
1.0	60

## **VII. DEPARTMENTAL OVERTIME AUTHORIZATION**

- a. In order to provide necessary and required services in the best interest of the public and the County, the County Administrator shall establish specific levels of permissible overtime for each department. Overtime shall be authorized by departments when the required work cannot be performed within an employee's standard workweek. Such determination shall include an evaluation of whether the

required work can reasonably be shared with and accomplished by other staff resources within the department.

- b. Department heads of employees in the Public Services Units shall be required to obtain prior approval from the County Administrator to authorize employee overtime when:
  - 1. The overtime appropriation of the budget unit to which the employee is assigned was over expended in the previous fiscal year, or
  - 2. At anytime said overtime appropriation becomes over expended or over-expenditure appears imminent.
- c. Department heads of employees in the Public Services Units shall not be required to obtain prior approval from the County Administrator to authorize employee overtime when:
  - 1. The overtime appropriation of the budget unit to which the employee is assigned was not over expended in the previous fiscal year, or
  - 2. When any over expenditure of said overtime appropriation is determined by the County Administrator to be justified by unexpected events, or
  - 3. The overtime is being authorized pursuant to Section III b. of this policy.

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Revised: October 7, 2008; Resolution 08-157  
Revised: December 9, 2008; Resolution 08-180  
Revised January 6, 2009; Resolution 09-01  
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Revised: June 30, 2009; Resolution 09-93  
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Revised: February 2, 2010; Resolution 2010-15  
Revised: April 6, 2010; Resolution 2010-32  
Revised: June 21, 2011 (eff. 6-25-11); Resolution 2011-67  
Revised: 10-18-11; Resolution 2011-130  
Revised: 3-13-12; Resolution 2012-22  
Revised: 3-20-12; Resolution 2012-27  
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Revised 10-9-12; Resolution 2012-148  
Revised 11-20-12; Resolution 2012-170  
Revised 4-16-13 (eff 4-27-13); Resolution 2013-34  
Revised 5-14-13 (eff 5-25-13); Resolution 2013-49  
Revised 9-24-13 (eff 9-28-13); Resolution 2013-112  
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Revised 7-22-14 (eff 8-2-14); Resolution 2014-86  
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Revised 4-14-15 (eff 4-25-15); Resolution 2015-45  
Revised 7-14-15; Resolution 2015-94  
Revised 8-25-15 (eff 8-29-15); Resolution 2015-113  
Revised 9-13-16 (eff 9-24-16); Resolution 2016-125  
Revised 11-8-16 (eff 11-8-16); Resolution 2016-162  
Revised 1-10-17 (eff 1-14-17); Resolution 2017-12  
Revised 1-24-17 (eff 12-31-17); Resolution 2017-17  
Revised 1-31-17 (eff 2-11-17) Resolution 2017-25  
Revised 3-7-17 (eff 3-11-17); Resolution 2017-38  
Revised 3-7-17 (eff 5-6-17); Resolution 2017-43  
Revised 3-21-17 (eff 3-25-17); Resolution 2017-55  
Revised 5-16-17 (eff 5-20-17); Resolution 2017-74  
Revised 12-5-17 (eff 12-16-17; Resolution 2017-185  
Revised 5-15-18 (eff 4-21-18); Resolution 2018-58  
Revised 6-5-18 (eff 6-2-18; Resolution 2018-75  
Revised 6-19-18 (eff 6-30-18); Resolution 2018-83  
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Revised 12-4-18 (eff 12-4-18); Resolution 2018-159  
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Revised 1-8-19 (eff 1-12-19); Resolution 2019-02  
**Revised 1-15-19 (eff 1-15-19); Resolution 2019-09**

## **LIST OF CLASSES EXEMPT FROM OVERTIME**

### **MANAGEMENT CLASSES:**

Accountant-Auditor Manager  
Acting Deputy Director of HHSA/Child Welfare Services Director  
Acting Deputy Director of HHSA/Mental Health Director  
Acting Director of Corrections  
Acting Director of Human Resources  
Administrative Manager/Clerk of the Board  
Aging & Disability Program Manager



Agricultural Commissioner/Sealer of Weights and Measures  
Airport Manager

**MANAGEMENT CLASSES: (continued)**

Animal Shelter Manager  
Assessor-Recorder-County Clerk  
Assistant Agricultural Commissioner/Sealer of Weights and Measures  
Assistant Airport Manager  
Assistant Auditor-Controller  
Assistant Chief Probation Officer  
Assistant Compliance and Privacy Officer  
Assistant County Counsel  
Assistant County Executive Officer  
Assistant Deputy Director of HHSA – Alcohol and Drug Services  
Assistant Deputy Director of HHSA – Child Welfare Services  
Assistant Deputy Director of HHSA – Mental Health  
Assistant Director of Corrections  
Assistant Director of Environmental Management  
Assistant Director of HHSA  
Assistant Director of Human Resources  
Assistant Director of Library Services and Community Outreach  
Assistant District Attorney  
Assistant Juvenile Hall Superintendent  
Assistant Manager – Quality Management  
Assistant Public Administrator/Guardian/Conservator  
Assistant Public Works Superintendent  
Assistant Purchasing Agent  
Assistant to the Public Administrator Guardian  
Assistant Treasurer – Tax Collector  
Auditor-Controller

Benefits Administrator  
Board of Supervisors, Member

Captain  
Chief Administrative Coordinator  
Chief Appraiser  
Chief Building Official  
Chief Deputy County Counsel  
Chief Deputy District Attorney  
Chief Deputy Probation Officer  
Chief Deputy Public Defender  
Chief Deputy Sealer  
Chief District Attorney Investigator  
Chief Fiscal Officer – HHSA  
Chief Information Officer

Chief Probation Officer  
Code Compliance/Process Improvement Manager

**MANAGEMENT CLASSES: (continued)**

Communication and Public Information Officer  
Communications Manager  
Community and Intergovernmental Affairs Analyst I  
Community and Intergovernmental Affairs Analyst II  
Compliance and Privacy Officer  
Correctional Lieutenant  
Corrections Administrative Manager  
County Executive Officer  
County Counsel  
County Surveyor  
Criminal Justice Analyst

Deputy Agricultural Commissioner  
Deputy Agricultural Commissioner/Sealer of Weights and Measures  
Deputy Chief Fiscal Officer – HHSA  
Deputy Chief Information Officer – Applications and Development  
Deputy Chief Information Officer – Infrastructure and Operations  
Deputy County Counsel I  
Deputy County Counsel II  
Deputy County Counsel III  
Deputy County Counsel IV  
Deputy County Executive Officer  
Deputy Director, Employment and Compensation  
Deputy Director, Labor Relations  
Deputy Director of HHSA – Administrative Services  
Deputy Director of HHSA – Administrator of Alcohol & Drug Programs  
Deputy Director of HHSA – Aging & Disability Services  
Deputy Director of HHSA/Child Welfare Services Director  
Deputy Director of HHSA/Mental Health Director  
Deputy Director of HHSA/Public Health Officer  
Deputy Director of HHSA – Self Sufficiency Programs  
Deputy Director of Planning, Building, and Environmental Services  
Deputy Director of Public Works-County Engineering  
Deputy Director of Public Works-Flood Control and Water Resources  
Deputy Director of Public Works-General Services  
Deputy Fire Marshal  
Director of Child Support Services  
Director of Conservation, Development and Planning  
Director of Corrections  
Director of Environmental Management  
Director of Health and Human Services  
Director of Housing and Homeless Services

Director of Housing and Intergovernmental Affairs

Director of Human Resources  
Director of Library Services and Community Outreach

**MANAGEMENT CLASSES: (continued)**

Director of Public Works/District Engineer  
District Attorney

Elections Services Manager  
Emergency Medical Services Administrator  
Emergency Services Officer  
Engineering Manager  
Engineering Manager – PBES  
Environmental Health Manager  
Environmental Management Coordinator

Facilities and Fleet Manager  
Facilities Superintendent  
Fleet Manager  
Flood Project Analyst

Geographic Information Officer

Health & Human Services Analyst  
Health Records Information Manager  
Housing and Community Development Program Manager  
Human Resources Analyst I  
Human Resources Analyst II

Information Systems Manager

Juvenile Hall Superintendent

Labor Relations Officer  
LAFCO Executive Officer  
Legal Office Manager  
Lieutenant

Management Analyst I  
Management Analyst II  
Mental Health Manager

Natural Resources Conservation Manager

Park and Open Space Program Manager  
Planning Manager  
Principal Human Resources Analyst

**MANAGEMENT CLASSES: (continued)**

Principal Management Analyst  
Probation Services Program Manager  
Project Manager - H & HS  
Psychiatric Medical Director  
Public Defender  
Public Health Manager  
Public Health Nursing Manager/Public Health Nursing Director  
Public Services Manager  
Public Works Administrative Manager  
Public Works Superintendent  
Purchasing Manager

Records Information Manager  
Regional Medical Services Administrator  
Risk & Emergency Services Manager

Safety Officer  
Self Sufficiency Manager  
Senior Flood Project Analyst  
Senior Human Resources Analyst  
Senior Management Analyst  
Sheriff-Coroner  
Sheriff's Administrative Manager  
Solid Waste Program Manager  
Staff Administration Manager – HHSA  
Staff Psychiatrist  
Staff Services Manager  
Stormwater Program Manager  
Support Services Manager

Training and Organizational Development Officer  
Treasurer-Tax Collector

Undersheriff

Victim Witness Program Manager

Watershed and Flood Control Operations Manager  
Webmaster  
Workforce Development Manager