

## **702 Overtime and Compensatory Time**

### **702.1**

Overtime for non-exempt employees (excluding Fire Fighters assigned to fire suppression) are those hours authorized in advance and worked beyond the designated 40-hour workweek unless otherwise specified. With the exception of Fire Fighters assigned to 24-hour shifts in fire suppression that are covered under Fair Labor Standards Act Section 7(k) provisions, all other non-exempt employees shall be eligible for overtime payment at 1½ times the regular rate for hours worked in excess of 40 hours a week. Sick leave, annual leave, compensatory time, personal time off and holidays are not counted as time worked during the workweek for purposes of overtime eligibility.

### **702.2**

Compensatory time, in lieu of cash payment for overtime, may be granted by a Department Head, at his/her discretion, to non-exempt employees at the rate of 1½ hours for each hour worked for which overtime is required.

It will be the responsibility of each Division Director and Department Head to ensure that no employee (except Fire Fighters and Police Officers) accumulates more than 80 hours of compensatory time. The City Manager must approve any accrual of compensatory time in excess of 80 hours. Fire Fighters and Police Officers under Chapter 143 of the Texas Local Government Code may accumulate up to 120 hours of compensatory time.

Upon termination all non-exempt employees will be eligible to receive payment for any accrued compensatory time, which has not already been taken as time off with pay. The hourly rate of payment will be based on the employee's hourly rate at the time of termination.

With the exception of the Chapter 143 Fire Fighters and Police Officers covered by State law, compensatory time may also be granted for short-term projects at the Department Head and Division Director's discretion with City Manager approval to exempt employees at the rate of 1 hour of compensatory time for each hour of overtime worked. Employees may not accumulate more than 40 hours of compensatory time.

The City Manager may authorize compensatory time or paid overtime to exempt employees at a rate of 1½ hours for each hour worked during city emergency situations.

Payment for accrued compensatory time will not be made to exempt employees upon termination, without approval of the City Manager.

### **702.3**

A non-exempt employee who is assigned a City vehicle on a 24-hour basis and who drives that vehicle to and from home each day is not considered to be working until the employee reaches the job site and reports for work. An exception to this could occur if, while en route to work or home, the employee is dispatched to respond to a call. In this instance the employee shall be considered to be working after receiving the call.

Travel outside the City by non-exempt employees for training purposes or for special duty assignment is considered work time if it extends into the employee's regular hours of work regardless of whether or not the travel occurs on normal days off.

#### **702.4**

Required training, which is directly related to the non-exempt employee's current job, is considered work time. Training for another job or which provides new or additional skills not required for current position is not considered work time. Meal times and social meetings occurring during those same regular hours of work are not considered work time. In all instances, where training occurs, proper documentation of the employee's time will be required (program, agendas, etc.).

#### **702.5**

Instances where a non-exempt employee is relieved of duty and is asked by the supervisor to wait to be available for an unspecified period of time for a further assignment and the employee is not able to use this time effectively for his/her own purposes, is considered work time. This does not include employees who are under subpoena to court and may have to be available to that court for testimony. If, however, the employee is asked to carry a pager, cell phone or radio in order to be reached when needed and the employee can use this time for his/her own purposes, it is not considered work time.

#### **702.6**

Any non-exempt employee (excluding Fire Fighters) regularly assigned to a 40-hour workweek who has completed a workday and has left the premises but is called out later for an emergency assignment, will be given:

A minimum of 2 hours pay at time and one-half provided the call out requires more than 1 hour or less than 2 hours to complete.

If the time worked is 1 hour or less, the employee is paid at time and one-half for 1 hour.

If the call back requires more than 2 hours and the employee has completed a 40-hour workweek, the employee shall be paid time and one-half for all call back time worked.

If the employee has not completed the 40-hour workweek, the call back time worked in excess of 2 hours shall be paid at the straight time hourly rate until such call back time, when added to hours worked in the regular workweek, exceeds 40 hours.