

Buffalo County Resolution

Drafted By:

Ana Rolbiecki

Presented Month/Year:

January 2024

Involved Committees:

Human Resources Committee

County Department:

Administration

Fiscal Impact: YES / NO

AC Approved: YES / NO

RESOLUTION # 24-01-01

A RESOLUTION TO UPDATE PERSONNEL POLICY 103 – OVERTIME, COMPENSATORY TIME, ON CALL AND SHIFT DIFFERENTIAL

WHEREAS, the current Buffalo County Handbook requires the Buffalo County Board of Supervisors to authorize by resolution any amendments to the Employee Handbook; and,

WHEREAS, the Human Resource Committee has recommended changes to Policy 103- Overtime, Compensatory Time, On Call and Shift Differential to update the policy wording where needed, adding in context around flex time for Department Heads and Supervisors, removing the ability to go over 40 hours of compensatory time, and eliminating year end payout/carryover for exempt employees compensatory time; and,

NOW, THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby amends Policy 103-Overtime, Compensatory Time, On Call and Shift Differential of the Buffalo County Handbook effective Feb. 1, 2024, to update the language in these policies.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 22nd day of January, 2024.


County Clerk

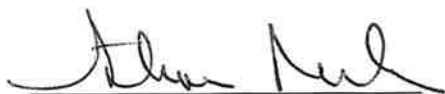
ATTEST:


County Board Chairperson

Buffalo County Resolution

Respectfully Submitted:

Human Resources Committee



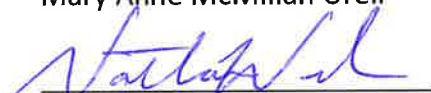
Steven Nelson



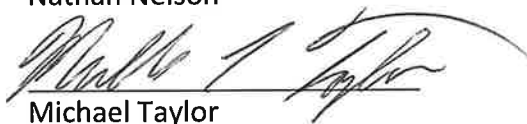
Carol McDonough



Mary Anne McMillan Urell



Nathan Nelson



Michael Taylor

ANTICIPATED FINANCIAL IMPACT STATEMENT

No financial impact

POLICY 103 - OVERTIME, COMPENSATORY TIME, ON CALL AND SHIFT DIFFERENTIAL

Purpose: To provide a consistent system for distributing overtime and compensatory time in compliance with the overtime-pay provisions of the Federal Fair Labor Standards Act (FLSA).

Definition: Overtime is any time worked in excess of forty (40) hours within a weekly payroll period beginning on Sunday and ending on Saturday.

Accrual: Any paid benefit time (paid time off, extended leave bank, ~~nonproductive floating~~ holiday hours, compensatory time used, etc.) shall not be counted as hours worked for overtime purposes including earning of compensatory time.

Compensatory time shall not accumulate beyond forty (40) hours ~~unless otherwise addressed in this policy~~.

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- ~~• Exceptions may be approved on a case-by-case basis upon the recommendation of the Department Manager and approval by the County Administrative Coordinator. Any request from the Department Manager shall be in writing and include details supporting the request and a plan for reduction of hours.~~
- ~~• The Department Manager or their designee must develop plans to reduce accumulated compensatory time in excess of forty (40) hours within three (3) months of the time being accumulated. Exceptions may be approved if written supporting documentation is provided by the Department Manager to the County Administrative Coordinator for up to an additional three (3) months.~~

Use and Approval: The employee's Department Manager or their designee will have the right to approve or deny overtime and compensatory time requests. Except in emergencies, all overtime and compensatory time either earned or utilized must be approved in advance and documented on the employee's time sheet.

- An employee with earned compensatory time must use said time prior to any other available paid leave to reduce balance prior to the other paid leave balances.
- An employee who works unauthorized overtime or compensatory time may be subject to employee disciplinary action.

Exempt/Non-Exempt Employees:

- Each position/employee is designated as either "Non-exempt" or "Exempt" from the federal Fair Labor Standards Act (FLSA) and state wage and hour laws. (Appendix B)
- ~~• Employees classified as "non-exempt" are paid on an hourly basis and entitled to overtime pay for hours worked in excess of forty (40) hours per week.~~
- For non-exempt employees, Overtime for non-exempt employees shall be compensated by payment of one and one-half (1½) times the regular rate of pay, or accrued as compensatory time off at a rate of one and one-half (1½) for hours in excess of forty (40) hours per calendar week. Employees classified as "exempt" are paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws and are not eligible for overtime pay.
- ~~• Department Managers and "exempt" supervisory employees are not eligible for compensatory time or overtime. (*moved down)~~

- Exempt professional and administrative personnel as defined by FLSA employees, excluding Department Managers and exempt supervisory employees, working in excess of their respective hourly and weekly/bi-weekly schedule of 80 hours earn compensatory time on the basis of one hour compensatory time for one hour worked as approved by the Department Manager.
- Exempt Department Heads and supervisory employees are not eligible for compensatory time except for the Chief Deputy and Patrol Superintendent positions. It is understood that Department Heads and supervisory employees are paid a salary for their overall responsibility and accountability and may work in excess of their weekly schedule in order to complete necessary job tasks. These positions who work more than 40 hours in a week may utilize flextime to modify start or end times in a day/week. It is preferred that this be done during the same pay period when possible. Timecard tracking must accurately reflect actual times worked in the pay period.
- Employees ~~should~~ must use this earned comp time during the year. Employees will not be allowed to carry any balance in their banks from year to year. For ~~Non-Highway any non-exempt~~ employees, any remaining balance in the compensatory time bank will be paid out on the final check annually. Exempt employees will not be paid out for any unused compensatory time for any reason and will not be allowed to carry a balance over from the final pay check of the year (Move up to Use and Approval section).

Communication/Corrections Employees Overtime:

- Overtime is any time worked in excess of forty (40) hours within a standard work week beginning on Sunday and ending on Saturday. Time worked includes travel to and from trainings held outside of the courthouse building.
 - Schedules are subject to change due to meetings, staffing needs or training to minimize use of overtime hours.
 - Overtime will be paid for anything outside the employee's work schedule if the schedule change is made with less than twenty-four (24) hour notice.
- Communications/Corrections cannot accumulate compensatory time. Overtime will be compensated by payment at one and one-half (1 ½) time the regular rate of pay.
- If a communication/corrections employee is called in to work ~~to~~ outside of their normal work shift, the employee shall receive overtime pay at the rate of one and one-half (1 ½) his/-her hourly wage. The employee's time sheet shall identify this as "unscheduled". This only applies to full-time employees and not those working as part-time. Part-time would need to work 40 hours within a standard work week before qualifying for overtime compensation.
- If a communications/corrections employee is scheduled for training or staff meeting prior to the start of a shift or immediately after a shift or on their scheduled day off, overtime is paid if the employee has excess of forty (40) hours of time worked within the standard work week.
- If a communications/corrections employee is requested to remain at work beyond the normal completion of their scheduled work shift to complete assigned duties, time will be credited towards time worked and overtime will be paid if the employee has excess of forty (40) hour of time worked within the standard work week.

Highway Department Overtime:

- Overtime shall be compensated by payment of one and one-half (1 ½) times the regular rate of pay.
- Due to flexible daily work schedule, overtime shall be paid for any hours that exceeds ten (10) in a day or forty (40) in a standard work week beginning on Monday and ending on Friday.
- A minimum of two (2) hours shall be paid to employees called into work for outside the standard work week.
- All hours on Saturday, Sunday and holidays shall be compensated at one and one half (1 ½) times the regular rate of pay.

Highway Department Compensatory Time:

- Upon approval of Highway Management, in lieu of overtime payout for any overtime accumulated, an employee may accumulate compensatory time at time and one-half (1½) for each hour worked.
- Compensatory time may be accumulated up to a maximum of forty (40) hours; if compensatory time is not used, all hours accrued shall be paid out to zero on the payroll following June 30th and prior to December 31st.
- Accumulated or earned compensatory time can only be used in at least one-half (1/2) hour increments. If an employee wishes to use accumulated compensatory time, the employee must do so by indicating on the daily time sheet for that day approved by Highway Management.

On Call Pay (Health and Human Services Employees):

- Employees required to be on call shall be paid at the rate approved by the Buffalo County Human Resources Committee, Buffalo County Finance Committee and Buffalo County Board of Supervisors through the normal budget process.
- Employees performing non-direct duties, i.e., phone contacts, time will be logged in ten (10) minute, non-overlapping increments for the purposes of compensation.
- Direct contact situations will be actual time and shall be compensated at a minimum of one (1) hour.
- Compensation will be in the form of compensatory time at the straight time rate for exempt professional employees.

Shift Differential (Communication/Corrections Employees):

- Shift differential policy allows for extra compensation to nonexempt employees who are scheduled on a regular, rotating or sporadic basis to work during evening or night shifts.
- Employees required to work shifts designated below shall be paid at the rate approved by the Buffalo County Human Resources Committee, Buffalo County Finance Committee and Buffalo County Board of Supervisors through the normal budget process.
- The shift differential rate will be applied for those employees working the entire 12-hour shift, when the shift starts between 5:00 p.m. to 7:00 p.m.
- Shift differential will not be added to any paid leave (PTO, Holiday, Emergency Leave, PSLB, etc.).

Policy 103 – Effective May 31, 2015; Revised October 24, 2022

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