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| Title: OVERTIME-COMPENSATORY & ADDITIONAL TIME POLICY | | |
| Subject: HUMAN RESOURCES & LEGAL AFFAIRS | Page: 1 of 6 | Policy Number: 06.40.00 |
| Category: DISTRICTWIDE POLICY | Approval Date: 5/2/2016 | Last Revised Date: 06/13/2018 |

POLICY STATEMENT:

The Forest Preserve District of Cook County (*the "District"*) has established a policy for the accrual and use of overtime/compensatory and additional time. It is the policy of the District to provide overtime/compensatory and additional time for hours worked in excess of 40 hours during the established workweek. Overtime/compensatory and additional time worked must be approved by the employee's supervisor. The District shall comply with all regulatory requirements associated with the accrual and use of overtime/compensatory time.

PURPOSE:

The purpose of this policy is to provide uniform guidelines for the accrual, use, and payment of overtime/compensatory and additional time.

AFFECTED AREAS:

This policy applies to all District employees who are not covered under a collective bargaining agreement.

The District has no legal requirement or obligation to grant additional time to FLSA exempt employees.

DEFINITIONS:

The Fair Labor Standards Act (FLSA): A federal law that sets minimum wage, overtime pay, equal pay, record keeping and child labor standards for employees (who are covered by the Act) in the private sector as well as those employed in federal, state and local government. The FLSA was enacted by the United States Congress in 1938 and amended several times since.

Overtime: Per the Fair Labor Standards Act (FLSA), employers are required to pay all employees, who are classified as FLSA non-exempt, time and half for all hours worked over 40 hours in the workweek. All overtime hours regardless of form of payment is calculated at 1.5 hours (time and a half).

Compensatory Time: Paid time off earned for overtime hours instead of cash payment for overtime hours.

Additional Time: The District "**term**" for hours worked beyond forty (**40**) hours in a work week by a FLSA Exempt employee Grade 20 and under. Additional hours will be calculated in periods of no less than one (**1**) hour worked in excess of the normal shift. Time worked during meal periods and regular breaks will not be included in the calculation of additional hours.

Hours Worked: Time spent by an employee performing any job-related activities during the employee's work day. An employee's paid lunch is excluded in determining hours worked.

PROCEDURE/PROCESS:

- 1) **FLSA Non-Exempt Employees:**

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- a. Overtime/compensatory time apply only to FLSA non-exempt employees.
- b. All time worked beyond the required schedule must be approved by the employee's supervisor and/or department head.
- c. Time worked during meal periods and regular breaks is not included in the calculation of overtime/compensatory time.
- d. Employees may accumulate up to eighty **(80)** hours of compensatory time which can be used as time off upon reasonable notice to and approval of the employee's supervisor and/or department head. The District may require any employee who has accumulated in excess eighty **(80)** hours to take compensatory time off.
- e. Employees will receive pay for any unused hours upon termination of employment with the District. Employees may receive pay for any unused hours upon transfer or promotion.

2) FLSA Exempt Employees:

- a. Additional time applies only to FLSA exempt employees in a job title that is Grade 20 or below.
- b. All time worked beyond the required schedule must be approved by the employee's supervisor and/or department head.
- c. Additional hours will be calculated in periods of no less than one **(1)** hour worked in excess of the normal shift.
- d. Time worked during meal periods and regular breaks is not included in the calculation of overtime/compensatory time.
- e. Employees may bank up to eighty **(80)** hours, annually, of additional time which can be used as time off upon reasonable notice to and approval of the employee's supervisor and/or department head.
- f. Any unused hours will not be paid or carried over upon termination of employment, transfer or promotion.
- g. All banked additional hours must be used by the last day of the pay roll schedule for the year in which the additional hours were banked.

RESPONSIBILITY:

Department of Human Resources: The Department of Human Resources shall: **(1)** manage the implementation of this policy; and **(2)** manage the list of FLSA non-exempt and FLSA exempt employees.

District Supervisors: District supervisors shall be familiar with and comply with the contents of this policy.

District Employees: District employees are required to comply with this policy.

TRAINING REQUIREMENTS:

- 1) All senior staff, directors, managers and supervisors shall be trained on this policy.

COMMUNICATION PLAN:

- 1) This policy should be distributed to all relative/necessary staff.
- 2) This policy should be added to the District shared drive, and intranet.

REFERENCES:

United States Department of Labor: Fair Labor Standards Act (FLSA)
<http://www.dol.gov/whd/flsa/>

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POLICY LEAD:

Michelle Gage
Director of Human Resources

APPROVAL:

Arnold Randall
General Superintendent

POLICY HISTORY:

Approved: 05/02/2016

Revised: 06/02/2016

Revised: 06/13/2018

If you have questions concerning this District policy, please contact:

Forest Preserve District of Cook County
The Human Resources Department
Phone: (708) 771-1562
Email: FPD.HumanResources@cookcountyil.gov

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APPENDIX A:
Frequently Asked Questions: Overtime/Compensatory and Additional Time Policy

1. Question: What does FLSA non-exempt mean?

Response: Employees whose jobs are governed by the Fair Labor Standards Act are classified as either “exempt” or “non-exempt.” Non-exempt employees must be compensated for all overtime hours worked.

2. Question: What does FLSA exempt mean?

Response: Employees whose jobs are governed by the Fair Labor Standards Act are classified as either “exempt” or “non-exempt.” Exempt employees are not entitled to overtime compensation.

3. Question: Do employees need approval before working hours in addition to their work schedule?

Response: Yes. All hours worked beyond an employee’s work schedule must be approved by the employee’s supervisor.

4. Question: What is the difference between regular time and overtime?

Response: Regular time is all hours worked up to forty in a workweek and should be compensated at the standard rate which is an employee’s hourly wage. Overtime is all hours worked beyond forty in a workweek and should be compensated at the premium rate which is an employee’s hourly wage multiplied by 1.5

5. Question: Sometimes I can’t complete my work during my regularly scheduled workweek. Can I just work the extra hours needed to complete the work and agree not to be paid?

Response: For non-exempt employees, the right to overtime pay cannot be legally waived. Any agreement to that effect is not valid. Further, a non-exempt staff member cannot donate his/her services to any entity under the direction of the Forest Preserves. Staff members and their supervisors should discuss work schedules and workload issues. All hours worked beyond an employee’s work schedule must be approved by the employee’s supervisor.

For exempt employees, additional hours worked must be approved by the employee’s supervisor.

6. While on duty, an employee gets stuck in traffic while traveling back to the work facility, which adds extra time to his/her work day. How is this extra time treated? Can this extra time be adjusted and the employee come in late to work or leave work early on any scheduled work day during the same pay period?

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Response: The extra time spent in traffic is part of the employee's work day. For non-exempt employees, time cannot be adjusted. For exempt employees, any change to the employee's schedule must be approved by his/her supervisor.

- 1. What happens when a supervisor did not approve additional hours worked by an exempt employee? Does the exempt employee still get the additional time?**

Response: No.

- 2. If I take paid time off, including sick days, during the workweek, will those days count toward the calculation of overtime?**

Response: Only bereavement, holiday, floating holiday and vacation days are counted toward the calculation of overtime.

- 3. A non-exempt staff member eats lunch at his/her desk and answers the telephone. Does he/she have to be paid for his/her lunch time?**

Response: Although meal periods are not required under the Fair Labor Standards Act, Forest Preserves non-union employees are paid for their lunch time. In calculating overtime hours, paid lunch is subtracted. However, as a best practice, employees should not work during their lunch time.

- 4. Are overtime request forms required?**

Response: Yes. Overtime request forms are required for non-exempt employees.

- 5. I am FLSA non-exempt employee. I take one hour for lunch, daily. This week I was on duty 3 extra hours, for a total of 43 hours. How is my pay calculated?**

Response: The 3 extra hours will be paid at your regular rate of pay.

- 6. I am a FLSA non-exempt employee. I take one hour for lunch, daily. This week I was on duty for six days, 8 hour shifts each day, for a total of 48 hours. How is my pay calculated?**

Response: The six hours (1 hour each day) for lunch would be subtracted, leaving you with 42 hours worked. The 2 hours would be calculated at time and half, which means you would receive 3 hours of comp time. You would be paid your regular rate of pay for the remaining 46 hours.

- 7. I am a full time FLSA non-exempt employee. I am scheduled to work an 8 hour shift on the holiday. How is my pay calculated?**

Response: If you are not given an alternate day to take the holiday off during the payroll week, you will be paid your regular rate of pay plus 8 hours of holiday pay for a total of 48 hours.

****In order to be paid time and half, an employee must work over 45 hours in a work week.****

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1. **I am a full time FLSA non-exempt employee. My work schedule is Tuesday through Saturday, 8 hour shifts. May I work a half day on Saturday and two 10 hour shifts Tuesday and Wednesday?**

Response: No. The Forest Preserves does not allow alternative/flex work schedules for FLSA non-exempt employees.

2. **I am a supervisor and due to operational needs, I cannot approve my FLSA exempt employee the time off he/she requested to use their additional time hours. What should I do?**

Response: You are correct in considering operational needs. Supervisors should treat requests to use additional time hours the same as any other benefit time (with the exception of sick time). However as a best practice, supervisors should offer alternative dates to use requested time off.

3. **I am a FLSA exempt employee and I could not use all my banked hours before the last pay period in the year. What happens to those hours?**

Response: You lose them.

4. **I am a FLSA non-exempt employee, I have more than 80 hours of compensatory time. I am involved in a work project for which my supervisor is requiring overtime. Will I receive comp time even though I have more than 80 hours of comp time banked?**

Response: Yes. You can earn more than 80 hours of comp time. However, the Forest Preserves has the right to require you to use any hours in excess of 80.