



## Overtime Pay Policy

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#### 1. **Purpose**

This policy is intended to provide guidance on premium pay options related to work performed by employees outside of their regularly scheduled hours.

#### 2. **Applicability**

This policy applies to all employees who are paid by Buncombe County through the Finance Department's Payroll system except where compliance with this policy conflicts with a Federal or State of North Carolina law.

#### 3. **Policy**

##### 3.1. **Standard Workweek**

The standard workweek for Buncombe County regular employees begins on Saturday at 12:00 a.m. and ends on Friday at 11:59 p.m. This period of 168 hours in seven consecutive 24-hour periods is used for minimum wage and overtime calculation, as required by the Fair Labor Standards Act.

The County's regular business hours are Monday through Friday 8:00 a.m. to 5:00 p.m. When the activities of a department require different business hours, the Department Director may authorize a deviation from the County's regular business hours.

Some County employees will have an assigned shift with accumulation of those hours required in an approved FLSA work schedule.

Employee work schedules may deviate from the County's regular business hours, or a department's established business hours, as allowed by the Flexible Workplace Policy.

##### 3.2. **Overtime**

The County abides by all applicable sections of the Fair Labor Standards Act and any Fair Labor Standard Amendments. The County will properly record all applicable overtime accrued for each Non-Exempt Employee. This overtime policy is applicable only to Buncombe County employees who are "Non-Exempt" under the Fair Labor Standards Act. If any area of this section is in conflict with the FLSA, then the FLSA will supersede.

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Every employee must record their timecard accurately to reflect all time worked. Failure to do so may result in disciplinary action up to and including dismissal. Should an employee be aware of any violation of this requirement or of any practice that discourages an employee from accurately recording their time, then the employee should report such concerns to the County's Human Resources Director, or designee.

Employees are expected to work during all assigned periods except mealtimes. Employees are not to perform work during any time that they are not scheduled to work unless they receive prior approval from their Supervisor, Department Director, County Manager, or their designee, or appointing authority except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency will advise their immediate Supervisor of the overtime worked as soon as practical following completion of the work.

Department Directors are responsible for ensuring that overtime hours are authorized, recorded, and properly documented with the established record-keeping forms and instructions.

Overtime compensation will be calculated in accordance with the FLSA to include actual work hours worked over and above forty hours in any work week. Employees who are not covered under 29 U.S.C. § 207(k) overtime exemption, the computation for overtime hours will be at the standard rate of one hour per hour worked up to forty hours per week, and at one and one-half hours per hour worked above forty hours per week.

### **3.3. Compensatory Time (Hours in excess of the standard workweek)**

Compensatory time is calculated at a rate of one and one-half times the employee's regular hourly rate for hours worked in excess of forty hours in a work week, as defined in the Personnel Ordinance. Any form of paid leave taken such as sick, holiday, annual leave and/or compensatory time taken will not count towards hours worked when computing overtime hours. Unless otherwise specified in section 3.4, non-exempt employees will receive compensatory time instead of being paid for hours worked in excess of 40. Employees will be allowed to maintain a maximum balance of 40 hours of compensatory time through each calendar year. Any hours earned beyond the 40-hour maximum will be paid out in the pay period the hours were worked.

On the last pay period in each fiscal year, all compensatory time earned will be paid out. Compensatory time balances will not be allowed to carry forward into the next fiscal year. No other cash out option will be available for compensatory time. Upon separation, any remaining balance will be paid out to the employee.

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3.4. **Overtime or Compensatory Time by Department for Hourly Employees**

<u>*Overtime Departments</u>	<u>Compensatory Time Departments</u>
Budget	Agriculture and Land Resources
Emergency Services	Air Quality
Finance	Communications and Public Engagement
Human Resources	County Manager
Identification Bureau	Election Services
Information Technology	Equity and Human Rights
Internal Audit	General Services
Legal	Health and Human Services
Public Safety Communications	Justice Services
Solid Waste	Libraries
Strategy and Innovation	Permits and Inspections
Tax Collections	Planning
	Recreation Services
	Register of Deeds
	Strategic Partnerships
	Tax Assessment

*\*All short-term temporary, PRN and interns will be paid overtime regardless of the department they work in.*

The department overtime and compensatory time designations are set by this policy and may not be altered.

4. **Policy Non-Compliance**

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. **Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the [Internal Auditor’s Statement](#).

6. **Definitions**

- 6.1. **Compensatory Time** – Leave provided to non-exempt employees for hours worked in excess of the standard workweek.
- 6.2. **Exempt Employee - (Fair Labor Standards Act Status)**. Full and part-time employees who have been classified as “Exempt” from the overtime provisions of the Fair Labor Standards Act are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work period.
- 6.3. **Non-Exempt Employee (Fair Labor Standards Act Status)**. Full and part-time employees who have been classified as “Non-Exempt” from the overtime provisions of the Fair Labor Standards Act will be paid for overtime hours worked in accordance with this Policy.

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**7. Approval and Revision History**

Policy Origination Date:	
Requires Board Approval:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Board Approval Date:	
Revision History:	

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