

CITY OF PLANO POLICIES AND PROCEDURES

206.000

Department Name: Human Resources Manual

Procedure: Wage And Hour Administration

Effective Date: 11/01/96

Revision Date(s): 08/21/01, 07/01/03, 05/01/04, 04/01/06, 04/01/08, 01/01/09,
04/01/09, 01/01/10, 07/01/10

I. Purpose

To establish a wage and hour administration policy in compliance with the Fair Labor Standards Act, as amended.

II. Definitions

A. Exempt Employees

An *exempt* employee is one who *is not covered* by the overtime provisions under the Fair Labor Standards Act (FLSA or Act).

B. Non-exempt Employees

Non-exempt employees will be paid overtime or receive compensatory time, per departmental policy, for hours worked in excess of 40 hours per workweek except those fire department civil service employees who are governed by a work period (fire department civil service work period is as described under #D Work Period below).

C. Workweek Period

The workweek normally begins at 12:01 a.m. on Monday, and ends at midnight on the following Sunday.

D. Work Period (fire department civil service shift employees)

The work period for which the city calculates overtime hours for fire department civil service shift personnel will be not less than 7 and not more than 28 consecutive days. Eligible employees will receive overtime pay for any hours worked in excess of 212 hours in the 28 day period.

E. Hours Worked

The time that the City requires or permits non-exempt employees to be on duty is considered hours worked. Only actual hours worked will be considered for the purpose of determining overtime for non-exempt employees. All paid leave, including, but not limited to, holidays, compensatory time, vacation, sick time, jury duty and bereavement leave will not be considered hours worked.

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F. Pay Period

Individual paychecks are issued biweekly for each pay period.

III. Policies and Procedures

Human Resources will determine, according to the Fair Labor Standards Act, whether a position is exempt (E) or non-exempt (N).

A. Overtime

Overtime, when ordered for the maintenance of essential city functions, shall be allocated as uniformly as possible among all eligible employees, and will be paid in accordance with applicable law. Department Heads are responsible for exercising adequate supervision to ensure that employees are complying with established work schedules.

1. Eligibility

Overtime pay or compensatory time will be given to non-exempt employees for hours worked in excess of the regular scheduled workweek or work cycle.

2. Non-exempt Positions

a. Eligibility - Department Heads have the authority to designate whether the department's non-exempt employees will receive overtime pay, compensatory time, or a combination of both, for overtime worked. The Department Head is the final authority for compensation method utilization and will take into account the department overtime budget and operational demands.

b. Rate – Overtime pay for non-exempt employees shall be at one-and-one-half (1.5) times the employee's regular rate of pay. Overtime calculations for premium pay such as certification pay will be at one-half (.50) times the employee's regular rate of pay.

Compensatory time - Shall be credited at the rate of one-and-one-half (1.5) hours credit per one hour worked. Official compensatory time records shall reflect the product of actual hours worked, multiplied by 1.5.

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- c. Accumulation – Non-exempt employees shall be allowed to accumulate no more than (eighty) 80 hours of compensatory time, unless a lower maximum is set by department policy, based on operational demands.
- d. Use of compensatory time - Employees may take compensatory time off within a reasonable period following their request. Compensatory time off must not unduly disrupt departmental operations and must have prior supervisory approval. In order to reduce the financial impact of compensatory time accruals, Department Heads may require the use of compensatory time.
- e. Payment upon termination - Non-exempt employees shall be paid for accumulated, unused compensatory time upon termination, regardless of the reason for termination.
- f. Record-keeping - Department Heads/division managers are responsible for current, accurate compensatory time records for their non-exempt employees. Employees disagreeing with these records may file a grievance in accordance with the employee grievance procedure.

3. Unauthorized Overtime

Employees working unauthorized overtime may be subject to disciplinary action.

B. Exempt Employees

Exempt employees may be required to report to their shift for the entire work period. Unauthorized absences during a shift shall be addressed as a performance issue and may be subject to deductions from appropriate leave banks or be deducted from salary.

Exempt employees shall deduct from sick and vacation leave bank for partial and full day absences.

Due to the obligations for exempt employees to attend after hour meetings and work on projects outside of regular work hours, an exempt employee's immediate supervisor has the discretion to approve an exempt employee to use exempt time off for up to one work day in a workweek without deducting any vacation leave.

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Absences for more than one work day in a workweek using exempt time must be approved by a Department Head, Deputy City Manager or City Manager.

Use of exempt time off in increments greater than four hours within a work day must be recorded on the City of Plano Time Report. Use of any exempt time or leave must be done with prior approval of the employee's immediate supervisor.

Exempt employees are not eligible to accrue overtime or receive compensatory pay.

C. Meal/Break Periods

A 30-minute to 1-hour allowance for meal breaks is customarily granted to regular full-time employees. This meal period is not considered work time if employees are completely relieved of their work duties. Being required to carry a work pager or telephone is not considered work time.

If employees must continue their work duties through the meal or break period, this work time must be supervisor-approved and recorded as work time. Approved break periods of 20 minutes or less will be considered hours worked.

D. On-Call Duty

1. On-call assignments are not compensable if:

- a. employees can be contacted by a pager or telephone; and
- b. have free (personal) use of the time while waiting for an assignment.

2. Eligibility

Employees designated by their supervisors as scheduled to serve on-call for a specific period of time.

3. Minimum callback time

Whenever non-exempt employees are called back to work after their shift has ended, they will be paid for one hour, or the actual time worked, whichever is greater.

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4. Employees assigned to an on-call assignment and who are called back to work after their normal work hours will be compensated from portal to portal (Home to Work; Work to Home).

E. Travel Time

All travel time will be administered in accordance with Fair Labor Standards Act (FLSA) guidelines.

IV. Appendices

None referenced.