

BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

8.	FAIR LABOR STANDARDS ACT
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8-1. Policy

It is the policy of Box Elder County to comply with the Fair Labor Standard Act of 1938, as amended (FLSA). Each Elected Official/Department Head and Supervisor is responsible for ensuring compliance with the act in his or her department.

8-2. Exemptions

Not all employees of local governments are affected by the Fair Labor Standards Act (FLSA). Certain employees simply are not covered by the act (i.e., non-covered employees). Other employees, while covered by the FLSA, are exempted by specific provisions of the act (i.e., exempt employees). Non-covered employees include elected officials and their personal staff, policy-making appointees, legal advisors, bona fide volunteers, independent contractors, prisoners, and certain trainees.

A. Exempt Employees

Exempt employees are those employees who are covered by the FLSA but are exempted from the minimum wage and overtime provisions of the act.

Exempt employees are generally those in a managerial, executive, administrative, or professional capacity. Exempt employees include the following positions: Elected Officials, Chief Deputy, some Department Heads, Law Enforcement Lieutenant, Jail Commander, and Deputy County Attorneys.

Exempt employee's timecards shall reflect an eighty (80) hour pay period noting any hours taken for paid sick leave, paid vacation, or paid holiday. Exempt employees shall not deduct time off for sick or vacation leave if the employee has worked 80 hours within the time period. No overtime compensation (including the accrual of comp time) will be granted to department heads, elected officials, chief deputies, and other employees specifically identified as FLSA exempt. Employees are expected to work hours as scheduled by and with their supervisor. A reasonable period of time away from the job is conducive to the good health and wellbeing of the employee and can have a refreshing effect that is to the advantage of the employee as well as to the County.

B. Non-Exempt

Non-exempt employees are hourly employees and are subject to all FLSA requirements.

1. Public Employees

Eight hours shall constitute a normal work day. Forty hours shall constitute the standard work week, except where the nature of employment requires alternative scheduling. Any time worked in excess of 40 hours in one week will be considered overtime.

2. Public Safety

Public Safety employees will not be credited with overtime until they have worked more than eighty-six hours over a pay period as allowed by FLSA 7k exemption.

8-3. Overtime

It is the County's policy to discourage the use of overtime and to keep overtime to a minimum. Supervisory personnel should organize their department work load to minimize overtime and to strive to utilize compensatory time as soon as possible.

It shall be the regular practice of the County to pay overtime in the pay period in which it is earned. However, an employee may be allowed to accumulate up to a maximum of 40 hours compensatory time. After an employee has an accumulation of 40 hours of comp time, the employee will be paid at the overtime rate.

Public Safety employees will be paid overtime and will not earn Compensatory time.

If County employees work a compensated second job for another County department then all hours worked by both (all) departments during the standard work week shall be considered jointly for purposes of calculating overtime pay.

8-4. Approval

All overtime worked must be specifically assigned by an employee's supervisor and approved in advance. (The only exceptions allowed are for Sheriff's officers in bona fide emergency situations or when overtime is unavoidable). Time cards should be accurate records of all time worked and leave time used.

8-5. Calculating Overtime

Vacation, sick leave, holidays, comp time and other similar leaves will not be considered hours worked for calculating overtime at either straight time or time and a half.

8-6. On-Call Pay

Where the nature of an employee's work requires that he or she be available for work on-call during a period of off work time, on-call compensation shall be paid at a rate determined by the county commission.

The time is considered on-call where the employee is able to move freely on personal matters, but is required to be available for call to duty. On-call time shall not be recorded as hours worked but on-call pay must be designated on the PA form. All time actually worked during the on-call period shall be recorded as hours worked. Individuals must be able to respond to on-call/emergency work and be able to work in safe working conditions free from the effects of drugs and alcohol as per the Drug-Free Workplace policy.

Individuals will be considered on an on-call status under the following circumstances:

1. They are able to carry out personal activities, but are designated by the Elected Official/Department Head to be on-call by Personnel Action.

8-7. After Hours Work Time

To ensure compliance with FLSA, employees who are not on-call, who respond to phone calls, or conduct other County business after hours, as an expectation of their position are to be compensated for that time. Non-exempt hourly employees and exempt salary employees should follow Employee Policy Section 20-7 for counting and rounding time. Employees must coordinate afterhours expectations and needs with their supervisor. Supervisors who require after hours phone calls or work, may not restrict the employee from being compensated for that time.

8-8. Night Time Differential

Additional compensation in the form of night differential pay may, at the discretion of the County Commission, be provided to those employees who are assigned the designated graveyard shift. Designated graveyard hours will normally be from 10:00 p.m. to 6:00 a.m. The employee will receive an additional 50 cents per hour as night differential. This will be reported on the time card as other pay/night differential. It is the employee's responsibility to show night differential on time card.

Public Safety Graveyard Differential will be added into the pay on a pro-rated basis as per Schedule B.

8-9. Declared Disaster

A declared disaster may modify the standard procedures outlined above but the County will comply with FLSA regulations.