



Department of Public Works and Engineering

Overtime Compensation for Non-Exempt Employees

Policy No. 3-26

Policy Statement

It is the policy of the Department that all non-exempt employees must be compensated in accordance with federal, state and local laws for all hours worked.

Purpose

To establish an overtime policy that assures compliance with the Fair Labor Standards Act (FLSA) and Sec. 14-168 of the Code of Ordinances.

Scope

This policy applies to all Department of Public Works and Engineering (Department) employees and supersedes any other former Departmental policy, procedure or directive. Divisions may supplement this policy with specific procedures to accommodate their operating needs providing such procedures do not conflict with this policy.

Definitions

The following terms are used in this document.

Term	Definition
Non-Exempt	All employees who are classified in the positions designated by the City's Human Resources Director and Civil Service Commission which are subject to overtime payments in accordance with the Fair Labor Standards Act (FLSA).
Hours Worked	Includes all time an employee is required to be on duty, or required to be on the City's premises or work site, or at prescribed work locations for the City, or time considered to be hours worked pursuant to City ordinances or policies, and all time during which the employee is permitted to work for the City. Hours worked does not include meal breaks. Hours worked does not include hours an employee is on-call if the employee is off-duty, is free to leave the employer's premises and is free to use the time effectively for his/her own purposes, until called.

Approved:

Dale A. Rudolph

Date Approved:

3/15/17

Page 1 of 5

All policies are subject to amendment. It is the employee's responsibility to refer to the Department of Public Works and Engineering's intranet site for the official, most recent version. Individuals printing a copy of this policy are responsible for ensuring that revisions to the document have not been issued since it was printed.

Emergency Overtime	Hours worked (as defined above) necessitated by operational needs requiring work hours in excess of 40 hours in a workweek that are authorized, but are not scheduled in advance.
Scheduled Overtime	Hours worked (as defined above) necessitated by operational needs requiring work hours in excess of 40 hours in a workweek that are authorized and scheduled in advance.
Overtime	Hours worked in excess of 40 hours in a workweek.
Unauthorized Overtime	Hours worked in excess of 40 hours in a workweek without prior approval from the employee's immediate supervisor (or supervisor in chain of command), or hours worked not due to an emergency or pursuant to Department or City policy.
Workweek	The workweek shall consist of 40 hours of actual work within the consecutive 168 hour period beginning with the day shift on Saturday and ending with the close of the night shift the following Friday.

Roles & Responsibilities

Roles	Responsibilities
Management	<ul style="list-style-type: none"> • Ensure compliance with this policy. • Determine whether overtime shall be paid in compensatory time or in cash. • Take disciplinary measures, consistent with City and Department policy, when an employee works unauthorized overtime or when an employee or supervisor fails to adhere to this policy.
Supervisor	<ul style="list-style-type: none"> • Monitor compliance with this policy when the need for overtime arises. • Receive, and if appropriate, authorize requests for overtime before the employee begins to work. The supervisor must comply with the overtime approval and reporting requirements in A.P. 2-4, Electronic Timekeeping Policy in order to document the authorization of overtime and overtime hours and ensure funds available in the budget. • Follow division's requirements, if any, for notifying his or her chain of command as expeditiously as possible of the overtime worked.

Employee	<ul style="list-style-type: none"> Obtain approval from immediate supervisor before performing any work for the Department prior to or after the employee's scheduled work shift or during a scheduled meal period, unless Section 1.1 applies.
----------	--

Overtime

It is the policy of the Department that all overtime hours must be authorized in advance.

1. Non-exempt employees are prohibited from working prior to, or beyond their scheduled work shift or during a scheduled meal period without advance authorization from their immediate supervisor. Employees do not have the authority or discretion to work overtime without prior approval.
 - 1.1 The Department recognizes that emergency situations do occur and provides for a LIMITED exception as described below:
 - a. Overtime Hours will be considered preliminarily authorized, although prior authorization was not received if:
 - Hours worked are necessary to address an emergency condition or situation that may result in the immediate harm or danger to persons or significant damage or destruction to property and a supervisor or site manager has been notified; or if
 - Failure to work overtime would result in violation of a City or Department rule. For example, an employee who is required to stay at their work location until relieved (pursuant to Department policy) must remain at their work location until relieved even if it results in overtime.
 - b. Emergency overtime must be followed with required notice or documentation that is submitted NO LATER than at the beginning of the employee's next scheduled shift.
 - c. The employee's supervisor must approve the emergency overtime in Kronos upon notification or within 24 hours from the start of the supervisor's next scheduled shift.
 - d. Employees and supervisors remain responsible for complying with the requirements of this policy during situations of emergency overtime.
2. When overtime hours are required, the Deputy Director or designee may determine whether overtime shall be paid in cash or compensatory time at the appropriate rate of pay as determined under the FLSA. In the absence of a formal notification prior to working the overtime, including an emergency

overtime situation, unless the effected employee is notified otherwise, the default form of payment is cash. Sec. 14-168(c) of the City of Houston Code of Ordinances establishes the guidelines for granting and use of compensatory time.

3. Overtime can only be authorized by the Deputy Director or their designee.
 - 3.1 Authorization may be verbal initially, so long as the approval requirements contained in A.P. 2-4, Electronic Timekeeping Policy are followed.
 - 3.2 An immediate supervisor, who has not been delegated direct authority by the Deputy Director to approve overtime, must seek prior authorization from the Deputy Director or designee before assigning or authorizing employee overtime hours, unless Section 1.1 applies.

Compliance

Adherence to the above policy is mandatory. Violations will not be tolerated. Non-exempt employees and their supervisors who violate this policy are subject to discipline up to and including indefinite suspension. Whether an employee is paid for overtime worked in violation of this policy does not affect any disciplinary actions that may be taken against the employee or the supervisor.

Attachments

Attachments	Title
N/A	

Revision History

Rev.	Revision Date	Modified by	Description
01	03/15/17	DO/MSB	New Format/Elimination of approval form