

Hours of Work

Section 5.1

PURPOSE

To provide uniform guidelines for the application of State and Federal labor laws, including the *Fair Labor Standards Act* (FLSA) and to provide guidelines for modified work hours for employees.

POLICY

The standard FLSA work week for the City begins at 12:00 a.m. on Sunday and ends on Saturday at 11:59:59 p.m. In accordance with the FLSA, hours worked include all hours that an employee is “suffered or permitted to work” for the employer. (29 U.S.C., §203(g).) Hours worked also include any time during which an employee is “necessarily required to be on the employer’s premises, on duty or at a prescribed work place.” (29 C.F.R. §785.7.)

FLSA Exempt Employees

Employees employed in a bona fide executive, administrative, or professional capacity may be considered “exempt employees” under the FLSA. The work week for full-time employees designated as FLSA exempt is generally considered to be forty (40) hours, and for part-time exempt employees the proportion of forty (40) hours equivalent to the appointment percentage. FLSA exempt employees do not receive overtime compensation or compensatory time off. The hours of work for exempt employees shall be those necessary to fully perform the work assigned and the requirements of the classification, and exempt employees may be required to work extended hours in excess of their normal work week as part of their regular compensation.

While exact hours are not tracked, performance issues may arise if exempt employees do not meet the desired performance objectives as a result of not working the hours required to complete their job duties. Department Heads are responsible for setting and monitoring accountability expectations.

Exempt employees who do not flex their work schedule during the work day or week and have non-work hours in excess of five (5) hours on a single work day or ten (10) hours in a work week must utilize their appropriate accrued leave bank to make up the missing hours.

FLSA Non-Exempt Employees

- Standard Work Week - Under the FLSA, the standard work week for non-exempt employees, other than public safety, can be defined as any seven (7) consecutive days during which an employee is regularly scheduled to work forty (40) hours or less.

For public safety employees, the standard work period can be any regular and recurring work schedule between seven (7) and twenty-eight (28) days.

Eligibility for overtime pay is based upon the number of hours worked in the work period, as defined by applicable provisions of existing MOU’s, policies contained in the City’s *Personnel Policy and Procedure Manual*, and the FLSA.

- Standard Work Schedule - The City employs a 4/10 work schedule for employees assigned to work between Monday – Friday shifts. The basic work schedule consists of four (4) consecutive ten (10) hour days within the seven (7) calendar day work week. Variations to the 4/10 work schedule can be found in the applicable MOUs.

Departments are expected to approve work schedules and monitor the hours worked by employees, since any work performed by the employee, regardless of whether it has been authorized or approved in advance, must be counted as hours worked. All non-exempt employees are required to obtain prior

approval before working any overtime hours. Under the FLSA, overtime hours are defined as any hours worked over 40 hours in the employee's standard work week. Employees that do not receive approval for overtime, prior to working the overtime, may be disciplined for insubordination in accordance with the City's policy for working unauthorized hours. A request for either a temporary or permanent modified work schedule is not considered a request for overtime. Requests for modified schedules as an accommodation because of a qualifying medical condition or worker's compensation injury should be made in accordance with the City's *Reasonable Accommodation Policy*.

Requests for a modified work schedule other than the standard work schedule of Monday through Thursday, 7:00 am to 5:30 pm (Administration) may also be allowed if it does not interfere with the operational and scheduling needs of an employee's department. All requests for a modified work schedule must be approved by the employee's Department Head, HR/RM Director, and the City Manager.

- Modified work schedules will only be approved as reasonable accommodation or when appropriate or necessary to meet operational needs of the City and effected department. Modified work schedules may be ended at any time based on operational needs of the department, subject to the terms of any applicable MOU and/or the completion of any applicable meet and confer process.
- A modified work schedule for full-time employees can be any combination of work days that allows an employee to be scheduled for forty (40) hours of work in an FLSA work week.
- The beginning of the work week may only be changed if the change is intended to be permanent and is not designed to avoid paying overtime. Once a different work week is established for an employee or group of employees by changing the beginning of the work week, it remains fixed regardless of the employee's work schedule.
- Departments considering a modified work schedule for employees should ensure the modified schedule meets the following criteria:
 - Office functions and activities will be adequately maintained,
 - Services will be available to the public between normal operating hours.
 - The modified work schedule will not impede organizational efficiency or require unnecessary overtime to maintain adequate office coverage.
 - The modified work schedule will increase organizational efficiency or the hours the office will be open to the public, encourage ride sharing and trip reduction, thereby reducing traffic congestion and car pollution, and/or increase employee morale.

Any changes to work schedules or modified work schedules shall be subject to the applicable provisions of the MOUs between the City and the recognized employee organizations and/or collective bargaining obligations.

OPERATIONAL PROCEDURE

City Manager	Approves the standard work week for the City and deviations therefrom.
Department Head	Recommends changes to the standard work schedule for approval by the City Manager.

Determines the means and manner by which hours of work are documented and approves authorized work schedules.

Sets forth criteria for the authorization and use of overtime.

Ensures that no supervisor violates the FLSA.

Notifies the Manager and HR/RM Department of changes to any regular, modified, or flexible work schedule(s).

Finance Department

Approves the form on which hours of work are recorded.

HR/RM Department

Monitors compliance with the FLSA.

Finance Department (Payroll)

Reviews deviations from the standard work week, changes to existing work schedules, and notifies HR/RM of any changes.

HR/RM Department

Offers training and consults with departments regarding the adoption of modified or flexible work schedules.

Supervisor

Documents the work schedules for all employees in accordance with established guidelines.

Recommends changes to established work schedule through the chain of command to the department head.

Assumes responsibility for all overtime worked by employees under their supervision.

Maintains records of all hours worked, including paid leave time counted as hours worked for purposes of overtime.