



## ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE <b>October 4, 2015</b>	

### I. PURPOSE

This directive establishes the City's work period for several categories of City employees and defines City policy regarding the calculation of hours worked for overtime purposes in accordance with applicable state and federal laws.

### II. DEFINITIONS

- A. **Compensatory Time** - Future time off for non-exempt employees in lieu of overtime payment accrued at a rate of one and one-half hours of leave time for each hour of overtime worked. Compensatory time in lieu of overtime payment is at the discretion of the department.
- B. **Emergency Overtime** - Unplanned overtime work necessary to safeguard the health, safety, and property of the public from immediate danger.
- C. **Exempt Employees** – Employees who meet the Executive, Administrative, Professional, or computer related exemptions under the Fair Labor Standards Act (FLSA) and are not eligible for overtime pay.
- D. **Holiday Pay** - Permanent full-time employees actively working or on paid leave status are paid their regular pay for the number of hours they are regularly scheduled to work on the day. Permanent part-time employees actively working or on paid leave status who are scheduled to work 20 hours per week or more receive four hours holiday pay. Commissioned 24-hour duty Fire personnel are compensated with 12 hours of holiday pay. (See Holiday Pay 2.01-6)
- E. **Furlough Leave Hours** – Unpaid hours off from work designated by ordinance for a specific time period. Exempt employees become non-exempt employees during weeks in which furlough hours are implemented in accordance with the FLSA.
- F. **Non-Exempt Employees** – Hourly employees eligible to receive overtime under the provisions of the FLSA.
- G. **Overtime Rate of Pay** – Employees will receive overtime pay at a rate of one and one-half times their regular rates of pay.
- H. **Overtime Calculation** – For overtime eligible employees, overtime compensation is calculated based on actual hours worked, paid vacation leave and holiday leave, in excess of 40 hours in a seven (7) consecutive day work period and is compensated at one and one-half times the regular rate. (With the exceptions of shift work overtime and commissioned Fire suppression personnel) Overtime may be compensated by payroll payment or compensatory time, at the discretion of the department.



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- I. **Regular Rate of Pay** - The rate of payment for overtime work, which is the average amount earned per hour (including base pay, and shift differential pay, but excluding overtime pay) during the work period the overtime is worked.
- J. **Shift Work** - When it is mandatory for a City function to be covered 24 hours a day, employees must work shifts to provide the coverage. The position must remain filled around the clock.

### III. **WORK PERIODS**

- A. To ensure compliance with FLSA purposes, the City established the work periods as follows:
  - 1. The work period shall commence at 12:01 a.m. April 13, 1986 and shall be a seven-consecutive-day period, usually worked on an eight hour day, five days per week (40 hours) basis, and shall continue in seven day increments thereafter.
  - 2. The work period for commissioned Fire suppression shift personnel shall be a 15 consecutive-day period, commencing at 8:00 a.m. April 13, 1986 and continuing in 15-day increments thereafter.
  - 3. The work period for employees on a 9/80 work schedule, begins at 12:00 p.m. Friday, and ends at 11:59 a.m. on the following Friday. 9/80 workweeks shall be suspended during weeks in which furlough hours are implemented.
- B. **Alternative Work Schedules** - Administrative Directive 2.01-9, Alternative Work Schedules, requires the Human Resources (HR) Director's approval before any department or office establishes a 40-hour work schedule of less than five days.

To request an alternative work schedule, a department director must submit a proposal to the HR Director addressing the criteria delineated in Administrative Directive 2.01-9.

- C. **Adjusted Work Hours (Flex Time)** - To reduce overtime expenditures, department directors may adjust the work hours of non-exempt employees to meet the demands of the department. For example, if an employee is required to work late one evening, the department director may require the employee to flex hours during the same workweek so that the employee does not work more than 40 hours. In all cases, the employee must complete the 40 scheduled hours during the workweek (e.g., between 12:00 a.m. Sunday and 11:59 p.m. Saturday night).



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### IV. OVERTIME ELIGIBLE

#### General

When necessary, department directors or designee shall authorize overtime in cases of emergency or during an unusually high workload. Overtime shall be allocated as equitably as possible among qualified employees.

- A. Only non-exempt employees are eligible for overtime compensation.
- B. Overtime is time worked beyond actual hours worked, paid vacation leave and holiday leave in excess of 40 hours in a seven (7) consecutive day work period.
- C. Shift workers required to work outside their normally scheduled shift earn compensation at the overtime rate of pay for the hours worked in excess of the shift regardless of the 40 hour minimum.
- D. Overtime for commissioned Fire suppression personnel assigned to 24-hour duty is:
  1. Time worked in excess of an FLSA defined 15-day work period implemented as follows:

Firefighters in suppression classifications, except Battalion Chiefs, working their regularly scheduled shift hours in a pay period, will receive 106 hours of regular pay and six (6) hours of overtime. Any unpaid leave time taken during the pay period may reduce the six (6) hours of overtime hour for hour.
  2. Time worked in excess of a 24-hour period, either at the beginning or end of a 24-hour duty period.
  3. When called back to duty during an off-duty period to maintain shift minimums or for emergency purposes. If called in for overtime and after reporting it is determined they are not needed, the employee shall be paid a minimum of two (2) hours at the overtime rate of pay.

### V. CALCULATION OF TIME WORKED

With the exception of commissioned Fire suppression personnel, the number of hours worked in excess of 40 hours in a workweek determines the number of overtime hours for which the employee must be compensated. The overtime calculation is based on actual hours worked, paid vacation leave and holiday leave, in excess of 40 hours in a seven (7) consecutive day work period.



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- A. **Actual Hours Worked** - The hours an employee is at work performing job duties or other assigned activities for the benefit of the City under the control or direction of the City. Actual Hours Worked does NOT include:
1. Hours already designated for payment at the overtime rate, such as:
    - Hours worked outside of a regularly scheduled shift on a holiday.
    - Hours worked beyond a shift worker's normal shift.
    - Compensatory time.
    - Off duty work performed by commissioned officers for other city departments.
    - Any other instance in which the hours worked are to be paid at the overtime rate of pay.
  2. Hours while on stand-by when an employee is on-call to report to work.
- B. **Paid Vacation Leave** - Vacation leave used during a workweek is time worked for the calculation of the number of paid hours in a workweek. Employees called back to work while on paid vacation leave must adjust their leave cards by the number of hours compensated for the call out. (The leave time requested must be reduced by the number of hours of regular pay.)
- C. **Holidays** - Time off for a City holiday is time worked for the calculation of overtime, except:
1. When an eligible employee works the employee's normally scheduled hours on the holiday. (See Attachment I, Example A)
  2. When an eligible employee (other than a shift worker) works outside the regularly scheduled shift on the holiday, but does not complete 40 hours in the workweek. (See Attachment I, Example B)
  3. When the holiday falls on the employee's regularly scheduled day off. (See Attachment I, Example C).
  4. An employee on leave without pay status for any part of the day before or after the holiday receives no compensation for the holiday.

## VI. **OVERTIME COMPENSATION**

Overtime for non-exempt employees is compensated by payroll payment or, at the discretion of the department director, by compensatory time at the rate of time-and-one-half for each hour of overtime worked.



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- A. **Overtime Compensation for Part Time Employees** - Part-time employees who work in excess of their normal hours, but less than 40 hours in a seven day period, shall receive pay at the straight time rate. Work in excess of 40 hours shall be compensated in the form of a payroll payment or compensatory time, at the rate of time-and-one-half.
- B. **Overtime Compensation for Commissioned Police and Fire Personnel** - In addition to the other overtime policies applicable to commissioned Police and Fire Personnel, extra compensation is allowed as stated below.
1. Commissioned personnel providing services to another City department at that department's request (e.g., security, paramedic), shall be paid at regular overtime rates as described in this directive provided they have worked the required number of hours to be overtime eligible.  
  
Police and Fire employees will be paid through their department payrolls for performing these services for other departments. Police employees shall submit overtime slips to their department payroll clerk showing the hours worked, the name of the user department, and the correct account number to be billed. Fire suppression and emergency medical personnel shall list all of their overtime on their daily roster sheets for their department payroll clerks.
  2. Commissioned personnel providing services at promoter-sponsored events at the Tucson Convention Center shall be paid by the promoters at rates established by Police and Fire for off-duty services.
  3. Commissioned Police personnel required to attend judicial proceedings during hours other than their regular work hours shall be compensated with a minimum of three hours at the overtime rate of pay, except when the court appearance occurs within 60 minutes of the employee's shift. In this case, the employee shall receive overtime compensation for the actual time spent in court, including the period of time between the court appearance and their regular shift.  
  
The employee shall not receive a second three-hour minimum overtime if required to attend a second judicial proceeding within 60 minutes of the first judicial proceeding or within 60 minutes of the first three-hour minimum period.
  4. Commissioned Police personnel shall be compensated at the overtime rate of pay when less than eight hours lapse between the end of one shift and the start of the next. Overtime shall be paid only for those hours worked that fall within eight hours of the former shift.
- C. **Special Circumstance Overtime Compensation for Non-Commissioned Shift Personnel** - Non-exempt shift workers subpoenaed to attend judicial proceedings and provide testimony related to their work duties outside of their regular scheduled work hours shall be compensated with a minimum of two hours at the overtime rate of pay.



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When the court appearance occurs within 60 minutes of the employee’s shift, the employee shall receive overtime compensation for the actual time spent in court including the period of time between the court appearance and the employee’s regular shift.

When the court appearance includes both scheduled and unscheduled hours, the employee shall be compensated with a minimum two (2) hours of overtime rate of pay and regular hours reduced by the number of scheduled hours in court. (See Attachment I, Example D).

The employee shall not receive a second two-hour minimum overtime if required to attend a second judicial proceeding within 60 minutes of the first judicial proceeding or within 60 minutes of the first two-hour minimum period.

**D. Compensatory Time Accruals** - Compensatory time accrues at the rate of time-and-one-half for each hour of overtime worked.

Maximum accrual rates for eligible employees are as follows:

- Non-represented – 60 hours
- ASFCME – 60 hours
- CWA - 100 hours
- TFFA - 180 hours
- TPOA – 200 hours

**E. Compensatory Time Payout**

1. **Mandatory Payout** – Accrued compensatory time is paid out when an employee permanently promotes to a higher rank or grade or permanently transfers to a different department. The procedure for the payout follows:

- a. The hiring department will notify the employee of mandatory payout upon promotion.
- b. The HR department will run a report at the close of each pay period to identify employees eligible for mandatory payout and notify the Finance Department.
- c. The Finance department will process the mandatory payout within 30 days of notification using the employee’s rate of pay prior to permanent promotion or permanent transfer.

2. **Requested Payout** - Commissioned Police personnel may request to cash out not less than 40 hours of compensatory time per pay period using the Compensatory Time Payout Request form. ( Attachment II)



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### VII. APPROVAL OF OVERTIME

- A. All overtime must be approved by the department director or designee in advance of working the overtime, except when prior approval is not attainable.
- B. Payroll clerks shall immediately post all overtime to the time sheets within the period it has been earned. An Approval Overtime form (Attachment II) signed by the department director or designee must follow as soon as possible.

Commissioned Fire personnel working overtime to maintain a full complement of firefighters for a shift shall note the overtime on the daily roster sheets which shall be approved by the on duty Emergency Captain. An Approval of Overtime form will not be required in these cases.

#### C. Approval of Overtime Form:

Employees, supervisors, and payroll clerks shall complete the Approval of Overtime form according to the directions. Departments shall inform their employees of reporting requirements specific to their department that differ from those described in Section VI, Overtime Compensation. The employee shall sign and date the bottom of the form.

- D. All departments shall provide their payroll clerks with a current listing of all authorizing signatures for overtime approval. Payroll clerks shall not accept Approval of Overtime forms signed by use of a signature stamp.

### VIII. DEPARTMENTAL RESPONSIBILITY

- A. All department directors shall be responsible for the administration of this directive, and for ensuring that overtime expenditures are within budget allocations.
- B. Departments will: 1) assign an individual to periodically review overtime usage for the purpose of spotting trends and to develop a strategy to reduce the need for overtime, and 2) use temporary or intermittent on-call personnel to assist with departmental workload, rather than paying overtime to permanent staff.
- C. The Office of Budget and Internal Audit is charged with the responsibility of continually monitoring overtime to ensure that expenditures incurred do not exceed the budgeted funds available for this purpose. The Office of Budget and Internal Audit shall review and update, as necessary, the Approval of Overtime form.
- D. Department directors may initiate a review of a classification's overtime status under the FLSA by submitting appropriate justification to the Director of Human Resources. The Director of Human Resources, in consultation with the City Attorney's Office, will



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evaluate the status. Upon determining the appropriate FLSA designation, HR will notify the department.

Appendices                      Attachment I - Examples of Certain Calculations  
    Attachment II - Compensatory Time Payout Request Form  
    Attachment III - Approval of Overtime

References                      Fair Labor Standards Act (FLSA)

Review Responsibility and Frequency      The Director of Human Resources will review this directive annually, based on date of publication. Last review date. 9/25/15

Authorized

  
 \_\_\_\_\_  
 City Manager

\_\_\_\_\_  
 Date

9/25/15

## Illustrative Examples

**Example A (Section V. C. 1.):** When an eligible employee works the employee's normally scheduled hours on the holiday, the holiday time is not counted towards the calculation of overtime:

The holiday is Monday and the employee works the regularly scheduled shift that day (8 hours) plus the remainder of the regular work week (32 hours). The time worked is the actual 40 hours worked. The employee receives holiday pay for the holiday, as well as actual salary (i.e., the employee receives 48 hours at straight time).

**Example B (Section V. C. 2.):** When an eligible employee (other than a shift worker) works outside the regularly scheduled shift on the holiday, but does not complete 40 hours in the workweek, the holiday time is not counted towards the calculation of overtime:

The employee works outside the regularly scheduled shift on the holiday, uses several sick leave days during the week, and takes leave without pay for the remainder of the workweek. The actual hours worked on the holiday count as time worked; however, the employee did not complete 40 hours of work that workweek and is not paid overtime.

**Example C (Section V. C. 3):** When the holiday falls on the employee's regularly scheduled day off, the holiday time is not counted towards the calculation of overtime:

The employee's regular days off are Sunday and Monday. The holiday is Monday. The employee works the regularly scheduled hours, Tuesday through Saturday. The time worked is 40 hours, and the employee is also given eight hours of holiday pay at straight time (i.e., the employee receives 48 hours at straight time).

**Example D (Section VI. C.):** Noncommissioned shift personnel who are subpoenaed to attend judicial proceedings and the court appearance includes both scheduled and unscheduled hours, the employee shall be compensated with a minimum two (2) hours of overtime:

The employee's normal schedule is from 8:00 a.m. to 5:00 p.m. The employee is summoned to court at 7:30 a.m. and leaves at 9:00 a.m. The employee is paid two (2) hours at the overtime rate of pay and regular hours reduced by one (1) hour.

**City of Tucson  
Compensatory Time Payout Request**

**Attachment II  
A.D. 2.01-2  
Overtime Policies**

**Instructions:** The employee initiates the payout request by filling out Section A and submitting to TPD Payroll. TPD Payroll fills out Section B, validating employee information. TPD Payroll emails the form to [Central-Payroll@tucsonaz.gov](mailto:Central-Payroll@tucsonaz.gov) along with HRM attachment as directed. The Central Payroll Department will process all requests received for payment.

**Central Payroll Deadline:** Payouts will be processed in the second paycheck after submission to Central Payroll.

**Section A – To be Filled Out and Signed by the EMPLOYEE (Sworn Officers Only)**

Employee ID# \_\_\_\_\_ Employee Name \_\_\_\_\_  
Print Name

Employee Title \_\_\_\_\_  
(Sworn Officers Only)

Number of Hours of Compensatory Time Requested for Payout: \_\_\_\_\_  
(Minimum of 40 Hours)

**I understand that payment of compensatory time will be included in my regular paycheck and payout will be taxed at the higher flat rate of withholding required for supplemental payments.**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**Section B – To be Filled Out and Signed by TPD PAYROLL**

Date of Receipt: \_\_\_\_\_ Current Balance of Compensatory Time \_\_\_\_\_

I have verified in the City's HRM system that the number of compensatory hours being requested for payout is available in this employee's leave record. **The HRM Leave Balance screen shot is attached.**

TPD Personnel ID# \_\_\_\_\_ Employee Name \_\_\_\_\_  
Print Name

TPD Personnel Title \_\_\_\_\_

TPD Personnel Signature \_\_\_\_\_ Date \_\_\_\_\_

**Section C – To be Filled Out and Signed by CENTRAL PAYROLL**

Date/Time of Receipt \_\_\_\_\_

Processed By \_\_\_\_\_ Paycheck Date \_\_\_\_\_

