

Soil and Water Conservation District Administrative Policies and Procedures		
Chapter 3 Work Environment		
Overtime and Overtime Compensation	Effective date	Revised
Number: 3.04	January 1, 2009	

Overtime and Overtime Compensation

DEFINITIONS

Work period: The number of hours considered being the normal work hours for a prescribed period of time.

Work week: Any fixed and regularly recurring period of seven (7) consecutive days used to define the number of hours considered to be normal work hours. For swcd employees the work week is defined as 40 hours of work in a consecutive seven (7) day period.

GENERAL PROVISIONS

Accrual and Compensation Guidelines

The Department of Labor oversees the Fair Labor Standard Act (FLSA). District boards are encouraged to contact the Department of Labor to make the proper determination of "Exempt" or "Non Exempt" for each position.

Districts can find information on the WEB concerning the FLSA through searching "Department of Labor FLSA". Each individual district board is responsible for making the proper determination of "exempt" or "non-exempt" based upon the local job descriptions for their employees. The district boards are encouraged to keep documentation on each position describing how the board determined compliance with the FLSA.

FLSA Exempt Employees

Exempt employees do not accrue any compensatory time for hours worked over 40 hours in a week.

Holidays worked by exempt employees will be credited on a straight-time basis to the employee's compensable holiday overtime balances.

FLSA Non Exempt Employees

Non Exempt employees may accrue federal compensable overtime on a time and one-half basis up to a maximum of 240 hours. This equates to 160 work hours (160 hours work x 1.5 or time and one-half = 240 hours). Any hours in excess of 240 must be paid out with the next paycheck.

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Holidays worked by non exempt employees will be credited on a straight-time basis to the employee's compensable holiday overtime balances unless the work week exceeds 40 hours physically worked.

Reporting and Record-Keeping

Employees will be assigned a fixed work week of seven (7) consecutive workdays. This will permit the scheduling of forty (40) hours of work during the work week with a minimum overtime liability. The district must maintain documentation of an employee's work week in their personnel file.

Once established, an employee's work week or work period will not be changed unless the change is intended to be long term, generally meant to be more than six months. Hours worked will be calculated for each work week. A report will be given to the board.

The swcd personnel records are the official record of all employee overtime. The swcd shall keep timesheets recording hours worked, compensable overtime earned, compensable overtime taken and leave taken for a minimum of three years.

Overtime worked in increments of less than one hour will be reported as fifteen minutes intervals as follows:

0-7 minutes	=	0 hour
8-22 minutes	=	15 minutes
23-37 minutes	=	30 minutes
38-52 minutes	=	45 minutes
52-60 minutes	=	1 hour

Requests for compensatory time off shall be made in the same manner as requests for annual leave.

When operating requirements or other needs cannot be met during regular working hours, employees may work overtime hours. Compensation for those hours will be made according to the provisions in this policy. The swcd will comply with provisions of the federal Fair Labor Standards Act and the Missouri Personnel Law regarding overtime and overtime compensation.

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Category 1: Employees who fill other supervisory, professional, technical and related positions are compensated for overtime at a straight time rate. (Program Specialist II, Technician II)

Category 2: All other employees who are compensated for overtime at time and one-half rate. (Program Specialist I, Technician I)

Compensable overtime: Hours worked in excess of the established work week or work period for which compensation has been approved.

Compensatory time off: Time off with pay provided for accrued compensable overtime.

Extraordinary circumstances: Extraordinary circumstances may include a major project with a set swcd deadline or a period of high overtime associated with the seasonal fluctuation of the job. Examples of this would include a construction project that must be completed during specific weather or cost-share sign up period.

Federal compensable overtime: Compensation for overtime worked that reflects the federal Fair Labor and Standards Act.

Overtime: Hours physically worked in excess of the scheduled work week or work period.

Overtime compensation: Consideration for hours physically worked in excess of forty hours in a work week in the form of pay or time off.

Work hours: Physical hours worked. This does not include time taken as leave or holidays.

Work period: The number of hours considered being the normal work hours for a prescribed period of time.

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Work week: Any fixed and regularly recurring period of seven (7) consecutive days used to define the number of hours considered to be normal work hours. For most swcd employees the work week is defined as 40 hours of work in a consecutive seven (7) day period.

GENERAL PROVISIONS

Category 1 employees are exempt from FLSA considerations. Category 2 employees are covered by FLSA considerations.

Category 1 employees will be compensated for overtime at a straight-time basis for hours physically worked in excess of the established work week or work period.

Category 2 employees will be compensated for overtime at rate of time and one-half for hours physically worked in excess of the established work week or work period

Category 1 and 2 employees will not be permitted to voluntarily perform hours of work when such work involves the same type work the employee is normally expected to perform. For example, a technician will not be asked to volunteer to deliver plans to a landowner.

Overtime is to be worked only upon the request and authorization of the swcd board. If an employee has worked overtime in the best interest of the swcd, the employee is entitled to receive compensation even if authorization has not been given to work overtime. The swcd board may further define or limit the conditions under which employees are authorized to work overtime.

For swcd employees the FLSA work period coincides with the work week. Hours worked in excess of this amount for most employees in Categories 1 and 2 are considered compensable overtime.

Overtime compensation may be payment based on the employee's hourly pay rate, compensatory time off, or a combination of payment and compensatory time off. The approval of the swcd board is required for payment of the balance of compensable overtime.

The swcd board shall approve a request for compensatory time off unless to do so would be unduly disruptive to the swcd's operation. Employees may be required to take compensatory time off at the convenience of the swcd.

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All supervisors should consistently manage employee work hours to minimize the accrual of paid overtime or compensatory time off. For example, if an employee works twelve hours on the first day and twelve hours on the second day of the work week, the work schedule should be adjusted so that the employee will not exceed 16 hours of work during the remainder of the work week.

Staff traveling as a part of their job, whether driving or as a passenger, are considered on the clock and that time is considered work hours.

When an employee leaves the swcd, payment for compensable overtime will be made to the employee for any remaining balance.