COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-61 STAFF SCHEDULES, TIME TRACKING, AND ~~OVERTIME/COMPENSATORY TIME~~COMPENSATION POLICY

The County has established the following procedures to compensate employees fairly and in accordance with federal, state, and local laws for all time worked. The County approves the annual staffing plan through the budget process each fiscal year. Staffing allocations are made for each department that determine the number and type of positions for employee payroll. These policies and procedures establish guidelines and expectations for employees and supervisors.

I. Staff Schedules

A. Classified Staff

The supervisor of every classified employee shall determine the employee's work schedule in accordance with the base weekly hours for that position and the needs of the department. Department heads/designees may require that employees work additional time or alternative schedules to meet the needs of the department. Whenever possible, supervisors shall give advance notice as soon as the work schedule change is determined so that the employees are able to arrange their personal schedules.

II. Alternative Schedules

A. Guidelines: Department heads/designees may permit alternative work schedules for staff provided that the following conditions are met:

1. The department is open to the public on all days other than posted holidays and emergency closings;

2. Employees work the requisite number of hours for their positions; and

3. All applicable personnel policies are followed.

B. Flex Time: Non-exempt employees are paid based upon hours worked or leave taken during the workweek or work period. In lieu of taking leave, a supervisor may allow an employee to work an alternative schedule in a given workweek or work period as long as all base weekly hours are accounted for within the workweek or work period. Exempt employees may work alternative schedules with supervisor approval.

III. Overtime and Compensatory Time Leave Compensation

Non-exempt employees are entitled to overtime pay or compensatory time leave in accordance with the Fair Labor Standards Act (FLSA) for hours worked in excess of their maximum allowable hours at one and one-half (1.5) times their regular rates of pay.

~~I. GENERAL~~

~~**A. Purpose.**~~ The following regulation~~is policy~~ establishes the general guidelines and procedures ~~Albemarle~~ the County will follow regarding overtime and compensatory time leave requirements of the ~~Fair Labor Standards Act (~~FLSA~~)~~ and applicable state law. If any conflict arises between this policy and the FLSA or state law, the requirements of the FLSA and/or state law will govern.

~~**B. Scope.** This policy applies to all County employees.~~

PROECEDURE FOR STAFF SCHEDULES, TIME TRACKING, AND COMPENSATION

~~I.~~ Overview and Key Terms

I. ~~II. KEY TERMS REGARDING OVERTIME PAY AND COMPENSATORY TIME~~

A. Base Weekly Hours. Each regular employee has a designated number of official hours per workweek or work period that have been set for the position. While an employee's actual daily work schedule may vary, the employee's base weekly hours remain the same. For example, an employee with 40 base weekly hours may work five (5) eight (8)-hour shifts or may work four (4) 10-hour shifts.

B. Full-Day Increments. Full-day increments refers to the entire scheduled day and not a "day of leave" as defined in Policy § XX Leave Program.

C. ~~B.~~ Exempt Employees. ~~Employees are exempt from the FLSA's overtime and compensatory time requirements if they satisfy the criteria for bona fide professional, administrative, or executive positions. A list of these positions must be approved by the County Executive and maintained by the Department of Human Resources.~~ Employees in certain positions are exempt from overtime pay requirements and compensatory time leave eligibility if the positions satisfy the criteria for the exemptions defined under the FLSA. Positions will be designated as exempt or non-exempt by the Department of Human Resources and approved by the County Executive/designee.

D. ~~A.~~ Fair Labor Standards Act. The FLSA requires all covered employers, including the County, to comply with its minimum wage and overtime compensation requirements. ~~Public employers must compensate eligible employees for hours worked in excess of maximum allowable hours by making monetary payment or granting compensatory time.~~

E. ~~G.~~ Hours Worked.

1. General. Non-exempt employees who work more than the maximum allowable hours in a workweek or work period must receive either overtime pay or compensatory time leave for their excess hours worked. Paid or unpaid time off during which the employee is absent from ~~the~~ service ~~of~~ for the County shall not be counted as "hours worked" in determining if the maximum allowable number of hours has been exceeded, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). Such absences include, but are not limited to, holiday, sick, annual, and compensatory time leave~~s,~~; leaves of absence~~,~~; meal breaks~~,~~; and ~~inclement weather~~building closures.

2. ~~Meal~~ Breaks. FLSA does not require rest breaks or meal breaks. However, supervisors should allow employees time to attend to health and hygiene needs. ~~Bona fide meal breaks do not count as hours worked. Meal breaks must ordinarily be at least 30 minutes long and provide the employee a rest period free from any work requirements.~~ Supervisors may designate specific times for rest and meal breaks. Department heads may establish department-wide standards to ensure efficient operations and service. Non-exempt employee rest breaks longer than 20 minutes are not compensable as time worked as long as no work is performed and the employee is free to leave his/her

post. Non-exempt employee meal breaks 30 minutes or longer are not compensable as time worked as long as the employee is completely relieved from duty and free to leave his/her post.

3. Travel Time. When non-exempt employees are required to ~~attend meetings or conferences that occur~~work outside of County facilities, the hours involved in the actual travel, as well as the hours ~~involved in the training/meeting~~working, shall be considered ~~hours~~ time worked. Employees shall report this time to their supervisors, using ~~forms designated~~procedures established for that purpose. Ordinary travel/commute between an employee's home and work shall not be considered hours worked.

F. Leaving Premises During the Workday. Departments may establish their own sign-out/notification procedures for employees leaving the premises during the workday.

G. ~~F.~~ Maximum Allowable Hours. A non-exempt employee must be compensated for overtime once the employee has exceeded the maximum allowable hours. Maximum allowable hours for employees are as follows:

7(k) exempt[1] Sworn Law-Enforcement ~~Employees~~ 171 hours within the 28-day work period
7(k) exempt Uniformed Fire ~~Protection Employees~~Rescue 212 hours within the 28-day work period
All Other Employees 40 hours within the workweek

H. ~~C.~~ Non-exempt Employees. Employees who are subject to the FLSA's overtime and compensatory time leave requirements are considered non-exempt.

I. Overtime. This is time that non-exempt employees physically work in excess of the maximum allowable hours per workweek or work period, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). The County must compensate an eligible employee for time worked in excess of the maximum allowable hours by making monetary payment at one and one-half (1.5) times the employee's regular rate of pay for each hour or portion thereof worked or by granting compensatory time leave at the rate of one and one-half (1.5) times for each hour or portion thereof worked.

J. Pay by Exception. Albemarle County operates on a "pay by exception" system. Each regular employee has a designated number of hours per fiscal year the employee has been allocated as part of the organization staffing plan. These annual hours are divided equally into the number of established pay cycles. The payroll system will pay this amount automatically unless the employee and supervisor submit adjustments to the base weekly hours such as overtime or leave without pay.

[1] "7(k) exempt" refers to 29 U.S.C. § 207(k), which provides public agencies a partial exemption to overtime compensation requirements for employees engaged in fire protection or law enforcement activities.

~~**D. Public Safety Exemption.** The FLSA provides a partial exemption to employees whose primary duty is law enforcement or fire protection. Employees who qualify for the 207(k) partial exemption work a 28-day work period.~~

K. Premium Pay. This refers to additional compensation, exclusive of overtime, non-exempt employees may receive as an incentive for specific types of work, i.e., shift differentials.

L. Regular Schedule. All regular employees have a designated schedule each workweek or work period based upon the base weekly hours. Changes to a non-exempt employee's regular schedule that impact the base weekly hours may cause changes to the employee's pay, such as overtime or leave without pay.

M. Straight Time. A non-exempt employee's non-overtime hours worked, compensated at the employee's hourly rate.

N. Work Schedules. The department head/designee is responsible for establishing employee work schedules, including allowances for breaks and meal periods.

O. ~~E.~~ Workweek and Work Period. The County Executive has established the official workweek as seven (7) days, extending from Saturday at 12:01 a.m. to Friday at 12 midnight. ~~Changes to this established workweek may be adopted by department heads to meet the operational needs of their department, provided that the revised workweek notice is provided in writing to the employees and a copy is on file in Human Resources.~~ The work period for 7(k) exempt law-enforcement and fire ~~protection~~ rescue employees is a 28-day period. The beginning and ending time for the 28-day work period under section 207(k) of the Fair Labor Standards Act shall be determined by the appropriate department head.

II. Tracking Time and Pay Adjustments

A. Non-exempt Employees

1. Time Recording – Non-exempt employees are paid for time worked on an hourly (or portion thereof) basis. All non-exempt employees must complete and submit, in a timely manner, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with County policy.

2. Increments – Rounding rules up or down to the quarter-hour will be established for County-wide consistency. Departments may set reasonable expectations for adherence to work schedules. An employee may be counseled or disciplined for tardiness; however, pay will follow the rounding rules.

3. Reductions in Pay – In the County's pay by exception system, when an employee misses work in the workweek or work period and has insufficient leave to make up the variance from the base weekly hours, the non-exempt employee will be docked pay for that workweek or work period in 15-minute increments. Employees may also be docked pay for disciplinary purposes in accordance with County policy.

B. Exempt Employees

1. Time Recording – Exempt employees are expected to follow established procedures and policies for exempt employee time tracking and leave submission. Failure to do so may result in disciplinary action in accordance with County policy.

2. Increments – Exempt employees are compensated on a salary basis. The salary may be calculated on a daily or weekly basis depending on the position. However, exempt employees are not paid based upon physical time worked.

3. Reductions in Pay

   a. Exempt employees may be docked pay in accordance with FLSA, FMLA, Workers' Compensation laws, and other applicable laws. Generally, pay may be docked for partial weeks worked during the first and last weeks of employment and situations where a benefits-eligible employee has insufficient leave accrued or chooses to take leave without pay. Pay must be docked in full-day increments, excluding exceptions permitted under law. Benefits-ineligible employees may not be docked pay when work is performed in the workweek or work period, unless permitted by law. Supervisors may require any exempt employees to make up missed work in another workweek or work period.

   b. Discipline – Any exempt employee may be docked pay in full-day increments for disciplinary purposes in accordance with County policy.

~~**I. III. GENERAL REQUIREMENTS OF OVERTIME PAY AND COMPENSATORY TIME**~~

III. Overtime Pay and Compensatory Time Leave

A. Eligibility to Earn Overtime Pay/Compensatory Time Leave

1. Non-exempt Employees. Unless excluded by the FLSA, all non-exempt regular employees of the County who work in excess of 40 hours within ~~one designated~~a workweek or the maximum allowable hours within one 28-day work period are eligible to ~~earn~~ receive overtime pay and/or compensatory time leave. Temporary employees are not eligible to receive compensatory time leave, but are eligible to receive overtime pay.

2. Exempt Employees. Exempt employees are not eligible to earn overtime, whether as monetary payment or compensatory leave time. However, ~~T~~this does not~~, however,~~ preclude department heads from using their discretion ~~and~~ to grant~~ing~~ time off to exempt employees in recognition of time worked beyond normal work schedules.

B. Calculation of Overtime/Compensatory Time Leave

All eligible, non-exempt employees are to be compensated one and one half times the employee's regular hourly rate of pay for hours worked in excess of their maximum allowable hoursfor overtime hours worked. This compensation may be monetary or through the accrual of compensatory time leaveat the choice of the employee prior to the performance of the overtime work. Time is calculated based on the entire workweek or work period and not on a daily basis. Overtime is not earned until the maximum allowable hours have been physically worked, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). Special conditions apply if the hours worked are performed pursuant to the Emergency Situation Staffing Policy (P-37). Calculation of overtime/compensatory time leave shall be as follows.:

1. Fire Protection Rescue Employees. Fire protection Rescue employees who are 7(k) exempt and work in excess ofover 212 hours within the 28-day work period are to be paid one and one half times the employee's regular hourly rate of pay, or be compensated one and one half hours of compensatory time for every hour in excess of 212 hoursovertime pay. They are also subject to the Gap Pay Act (Virginia Code § 9.1-700, et seq.). References to overtime pay throughout policy includes gap pay required by the Virginia Code.

2. Sworn Law-Enforcement Employees. Sworn law-enforcement employees who are 7(k) exempt and work in excess ofover 171 hours within the 28-day work period are to be paid one and one half times the employee's regular hourly rate of pay, or be compensated one and one half hours compensatory time for every hour in excess of 171 hoursovertime pay. They are also subject to the Gap Pay Act (Virginia Code § 9.1-700, et seq.). References to overtime pay throughout policy includes gap pay required by the Virginia Code.

3. All Other Employees. All other, eligible non-exempt employees who physically work in excess ofover 40 hours within the workweek are to be paid overtime pay one and one half times the employee's regular hourly rate of pay, or be compensated one and one half hours of compensatory time for every hour in excess of 40 hours.

4. Compensatory Time Leave. A non-exempt regular employee may be compensated at the rate of one and one-half (1.5) hours of compensatory time leave for each overtime hour worked in a workweek or work period instead of overtime pay referenced in B.1-3. The employee and supervisor must agree to compensatory time leave as compensation. If a supervisor is offering only compensatory time leave as payment, the employee must agree to accept compensatory time leave or be able to decline the additional work. Otherwise, overtime pay must be provided for required additional work. Temporary employees are not eligible for compensatory time leave in lieu of overtime pay.

5. Compensatory TimeCompensation for Additional Non-Overtime Work. When a non-exempt employee works more than his/her base weekly hours, the employee must be paid his/her hourly rate (straight time) for those excess hours worked, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). Compensatory time leave may not be earned except as overtime.Non-exempt employees who work in

~~excess of their regularly scheduled work hours but do not exceed the maximum allowable number of hours may be granted compensatory leave in the amount of one hour for each hour worked or may be paid their regular hourly rate for those excess hours worked.~~

6. Dual Job Employees.

a. Two or More ~~Hourly Rates~~Non-exempt Positions. Employees ~~holding more than one position may have two or more regular hourly rates~~who have two or more non-exempt regular positions contributing to overtime hours are eligible for both overtime pay and compensatory time leave. These employees may receive overtime pay at the blended overtime rate or earn compensatory leave time in accordance with B.4. Department heads ~~should~~shall consult with Human Resources for guidance regarding the payment of overtime compensation to ~~such~~these employees.

b. Exempt and Non-exempt Regular Positions. For employees who have one or more exempt regular position(s) and one or more non-exempt regular position(s), the eligibility for overtime is determined by the primary position (the position with the highest part-time percentage). When the primary position is classified as non-exempt, all work performed in both positions contributes to the total hours for the workweek or work period. When the primary position is classified as exempt, the employee is not eligible to earn overtime or compensatory time leave. The employee may receive straight time pay for hours worked in the workweek or work period beyond the base weekly hours in the non-exempt position.

c. Non-exempt Regular and Temporary Positions. ~~temporary are~~If a non-exempt regular employee also has time worked in a non-exempt temporary position during the workweek, all such time worked counts towards the maximum allowable hours. The supervisor of the regular position may deny the earning of compensatory time leave in lieu of overtime pay, regardless of which position(s) contributed to the overtime hours. If a supervisor denies compensatory time leave, overtime must be paid at the blended overtime rate.

d. Non-exempt Regular Employees Working Exempt Temporary Positions. As long as the exempt temporary position is occasional and sporadic, the hours worked in the temporary position do not count towards the maximum allowable hours. Supervisors of temporary positions shall contact the Department of Human Resources before scheduling any non-exempt regular employee for exempt temporary work.

C. Compensatory Time Leave Payouts

1. ~~Pay-outs of Compensatory Time~~Maximum Balances. Employees ~~in positions~~ eligible ~~for a 28-day work period under FLSA 207(k)~~for the public safety exemption may accrue up to 240 hours of compensatory

time leave. All other regular, non-exempt employees may accrue up to 100 hours of compensatory time leave. ~~Employees shall be paid for all compensatory leave in excess of the maximum allowed for accrualAny payment for unused compensatory time shall be based upon the employee's current regular hourly rate.~~

2. Job Changes. Upon termination of regular employment, non-exempt employees shall be paid for unused compensatory time leave. A ~~N~~non-exempt employee~~s~~ who is~~are~~ transferring to another department or who ~~are promoted~~is changing from a non-exempt ~~in~~to an exempt position shall be paid for the unused compensatory time leave balance or ~~, prior to assuming the new position,~~ reach an agreement with the~~ir~~ current department head to use ~~their~~ any accumulated compensatory leave prior to the effective date of the change ~~or to be paid for the unused compensatory leave balance~~. The employee's compensatory time leave balance must be zero (0) prior to the starting date for the new position.

3. Compensatory Time Leave Payout Requests.

   a. Department heads may offer periodically partial or full payouts of accrued compensatory time leave. Fair practices must be established to provide equal access to all eligible non-exempt employees. Department heads may not make payouts under the maximum compensatory time leave balance without employee approval.

   b. Employees may request partial or full payouts of accrued compensatory time leave. Payouts are subject to department head approval and budgetary considerations. Department heads may set fair and consistent limits.

4. Compensatory Time Leave Payout Rate.

   a. During Employment: When compensatory time leave is paid during the course of employment, it will be paid at the employee's current regular rate.

   b. Upon Termination: When compensatory time leave is paid upon termination of employment, it will be paid at a rate of compensation not less than:
      i. The average regular rate the employee received during the last 3 years of employment, or
      ii. The employee's final regular rate, whichever is higher.

~~Two or More Hourly Rates. Employees holding more than one position may have two or more regular hourly rates. Department heads should consult with Human Resources for guidance regarding the payment of overtime compensation to such employees.~~

~~**Maximum Compensatory Time Balances**~~

~~Employees in positions eligible for a 28-day work period under FLSA 207(k) may accrue up to 240 hours of compensatory leave. All other non-exempt employees may~~

~~accrue up to 100 hours of compensatory leave. Employees shall be paid for all compensatory leave in excess of the maximum allowed for accrual~~.

D. Employer Responsibilities

1. Managing the Accrual of Overtime. Department heads/designees may require that employees work additional time or overtime to meet the needs of the department. ~~, and~~ They are also responsible for managing non-exempt employees' hours worked whenever possible within the designated workweek or work period to avoid overtime. If an employee works more than the designated work hours in ~~one~~ a day, ~~thus creating the potential to exceed the maximum allowable hours within the workweek or work period as defined in section II.F,~~ the employee's supervisor may ~~require the employee to take leave in~~adjust the employee's work schedule for that workweek or work period by the amount of the excess time worked ~~within the same workweek or work period~~ to avoid the accrual of overtime.

   The County will compensate an employee for any time worked in excess of the employee's base weekly hours. However, an employee may be disciplined for working unapproved time. ~~the County will~~

2. ~~Fund~~ Availability of Funds. Department heads/designees shall ensure that adequate funds are available to pay required overtime compensation and compensatory time leave pay~~-~~outs.

3. Scheduling Compensatory Time Leave. ~~Department heads shall be responsible for scheduling compensatory leave so that it may be taken within a reasonable period of time after the employee requests it, so long as such use does not unduly disrupt the operations of the department. A "reasonable period" under the FLSA is determined by considering the customary work practices within the department, such as: a) the normal schedule of work; (b) anticipated peak workloads based on past experience; (c) emergency requirements for staff and services; and (d) the availability of qualified substitute staff. Leave is considered to "unduly disrupt the operations of the department" if it would impose an unreasonable burden on the department's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services.~~(See Policy § P-XX, Leave Program.)

4. Recordkeeping. Department heads/designees shall ensure that all non-exempt employees complete and submit, on a timely basis, accurate data recording their hours worked and leave taken. They shall also ensure that exempt employees submit timely and accurate leave records.

E. Employee Responsibilities

~~1.~~ Authorization for Overtime. Non-exempt ~~E~~employees may work ~~overtime~~ additional time beyond their scheduled hours only with prior authorization from their supervisor~~s~~. Failure to ~~do so~~obtain prior authorization may result in disciplinary action in accordance with County policy. ~~Employees will report additional hours worked to their supervisors within five business days.~~

~~1. Scheduling Compensatory Leave. Employees are required to arrange use of compensatory leave in advance with their supervisors. In case of a conflict because of the work schedule in a particular department, leave will be granted at the discretion of their supervisors.~~

~~2. Time Recording. All non-exempt employees must complete and submit, on a timely basis, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with County policy.~~

IV. ON-CALL AND CALL-BACK COMPENSATION

A. On-Call Compensation

1. Purpose. Employees may be required to be available to return to work or "on-call" during a scheduled period. On-call periods have been established as 12-hour periods for the entire County. Department heads/designees may schedule employees to be on-call for shorter periods based on business needs.

2. ~~1.~~Compensation and Eligibility. ~~Non-exempt employees required to be "on-duty" while on-call must be compensated for the "on-duty" hours worked while on-call.~~

   A regular or temporary non-exempt employee on-call will be paid a flat fee equal to one and a quarter (1.25) of the employee's hourly rate for each 12-hour on-call period. When an on-call period of less than 12 hours has been designated, an employee will still receive one unit of on-call pay for the period. Periods during which an employee is on-call are not time worked and do not count towards maximum allowable hours for overtime.

   For example, an employee who makes $10.00/hour and is on-call for a designated eight (8)-hour shift would receive $12.50 for one on-call period. If the on-call shift was 13 to 24 hours, the employee would receive $25.00 for two (2) on-call periods.

   Non-exempt employees who are on-duty while they are on-call are to be compensated for the time they are on-duty as time worked. Whether the FLSA considers an employee to be "on-duty" while on-call depends on a number of circumstances, including, but not limited to, being required to remain on the employer's premises and being restricted from using on-call time effectively for personal purposes. ~~In addition, non-exempt employees may be compensated for "off-duty" on-call time pursuant to a departmental on-call compensation program approved in accordance with this section.~~

   Exempt employees are not eligible to receive on-call compensation.

3. Condition to Work. Employees who are "off-duty", but on-call, must remain in a work-appropriate condition. This includes, but is not limited to, refraining from consuming substances that impair or compromise an employee's ability to work.

4. ~~2.~~Departmental ~~On-Call Compensation Programs~~Expectations. Departments may develop on-call ~~compensation programs to compensate~~guidelines and expectations for employees for "off-duty" on-call time based on departmental ~~specific~~ needs. Department heads must submit their proposed guidelines to the Human Resources Department ~~and the County Attorney's Office~~ for approval ~~in order~~ to ensure that they meet all applicable legal and policy requirements.

~~Compensation pursuant to a departmental program~~On-call compensation will be authorized only if the on-call service meets all the following criteria:

a. Service must be mandated.

b. On-call employees are expected to respond promptly to calls, resulting in partially restricted personal time of on-call employees. Specific required response times may vary depending on individual departmental requirements.

c. On-call employees will not be called if another ~~County~~ employee is already on duty and available to perform the required services.

d. The department's on-call guidelines have been approved by the Department of Human Resources ~~and the County Attorney's Office~~.

~~3. Calculation. The rate of compensation for off-duty on-call time shall be established in each departmental on-call compensation program. In all cases, however, employees shall be given the option of monetary payment or compensatory time and must communicate that preference to supervisors prior to working the on-call time.~~

5. Reporting for Work. While on-call, an employee may be contacted to report to work. An employee who is called in to work from on-call status is eligible for call-back compensation. The employees will also retain the on-call compensation in addition to wages for time worked.

6. ~~4.~~ Special Provisions Regarding CPS Workers. Child protective service workers employed by the Department of Social Services shall be compensated for their on-call service in accordance with all state-mandated requirements.

B. Call-Back Compensation

1. Purpose. There may be times when supervisors may need employees to report back to work on short notice outside of the employee's work schedule. Call-Back status occurs when a department head/designee requires a non-exempt employee to report back to work outside of the employee's work schedule on less than 24-hour notice. Call-back is not hours worked beyond the schedule which require an employee to stay at work, such holdover time shall be compensated as straight time or overtime as applicable. Additionally, work schedule changes with more than 24 hours' notice are not call-back hours. Whenever possible, supervisors should give notice to employees when the need for call-back may occur, such as for an anticipated snowstorm.

2. 1. Eligibility for Call-Back Compensation. Any regular eligible non-exempt employee who is required called back to work as definedescribed above by the department head/designee to report back to work outside of the employee's regularly designated work hours on less than 24 hours' notice shall be eligible paidfor call-back compensation. at one and one-half times the employee's regular hourly rate, regardless of the number of hours worked in that workweek or work period. An employee's "regularly designated hours" are those hours at which the employee is normally scheduled to work. Hours worked beyond regularly scheduled work hours which require an employee to stay at work, rather than report back to work, shall not be deemed call-back hours and shall be compensated as otherwise provided herein.

Temporary, non-exempt employees who have regular work schedules which are changed via call-back are eligible. Temporary employees who work on an intermittent, occasional, or sporadic basis do not qualify for call-back pay when scheduled or called to work with less than 24 hours' notice.

While exempt employees may be called back to work with short notice, they are not eligible for call-back pay.

3. Condition to Work. Employees who are called back for work must report in a work-appropriate condition that includes, but is not limited to, the non-consumption of substances that impair or compromise an employee's ability to work. If an employee is not in a condition to work, the employee must disclose that to the supervisor before reporting for duty.

4. 2. CalculationCompensation. The call-back compensation rate is one and one-half (1.5) times the employee's regular hourly rate for call back hours. If an employee exceeds the maximum allowable hours for the workweek or work period, or as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.), the employee will receive overtime pay instead of call-back pay. The employee may not receive both for the same hours worked. In lieu of receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above.

Once an employee has been called back to work, the employee will be guaranteed a minimum of two (2) hours of call-back pay even if less than two (2) hours of work are performed. An employee will receive call-back pay for any work or travel to work. Only hours physically worked or call back travel to work count towards the maximum allowable hours. An employee called back to work from "on-call" status may keep the on-call pay in addition to call-back pay received. When work is completed, travel time home is not compensable as time worked.

If an essential personnel employee receives additional pay due to building closure, the employee is not eligible for call-back for the same hours worked.

In lieu of paying an employee for call-back time, the County may compensate an employee with compensatory time. Compensatory time shall be accrued at a rate of one and one half hour for every hour of call-back time worked. Employees shall decide whether to receive monetary compensation or compensatory time and communicate that preference to their supervisors prior to working the call-back time.

Overtime/Compensatory Time Policy (continued)

V. HOLIDAY PAY

Please refer to Policy § XX, Leave Program, for information on pay for work performed on a holiday.

A. General Rule. Any non-exempt employee who is required by the department head to work on a holiday which is observed by the County shall be:

1. Compensated for that holiday for the hours worked plus the hours normally accrued for the holiday, all at the regular hourly or daily rate; and

2. At the discretion of the department head, be paid the regular hourly or daily rate for the hours worked and accrue eight hours of compensatory leave. If an observed holiday falls on a day when an employee is not otherwise scheduled to work, the employee shall earn eight hours of compensatory leave for the observed holiday.

3. Full-time employees shall receive eight hours of holiday leave to be used on the designated holiday. For part-time employees, the amount of holiday leave received shall be consistent with the length of a regularly scheduled work day.

B. Alternative Work Schedules. Full-time employees that work an alternative work schedule (e.g., 10 hours/day for 4 days/week) shall also receive eight hours of holiday leave for each observed holiday. It is the employee's responsibility to make up the hourly difference between the hours granted as holiday leave and the employee's regular work schedule. The employee and his/her supervisor may compensate for the difference in hours in one of two ways:

1. The employee may use compensatory leave or annual leave; or

2. The employee may work the difference within that workweek.

VI. SHIFT DIFFERENTIALS

Non-exempt regular and temporary employees may be regularly or periodically scheduled to work evening or midnight shifts and may receive premium pay for such work. When six (6) or more hours are physically worked in either shift, the employee will receive the following additional percentage of his/her hourly rate for each hour worked in the range.

Evening: 4:00 p.m. – 12:00 a.m. 4% of the hourly rate premium pay

Midnight: 12:00 a.m. – 8:00 a.m. 5% of the hourly rate premium pay

Shift differential premium pay will not be granted when less than six (6) hours of work are performed in the designated range. Although an employee may be regularly

assigned to an evening or night shift, the shift premium will not be paid when paid leave is taken, nor will the employee be charged the premium for leave without pay.

VII. BUILDING CLOSURES DUE TO INCLEMENT WEATHER AND/OR EMERGENCY SITUATIONS

Employees may be required by their supervisors to report to work during building closure periods designated by the County Executive/designee. Please refer to policy § P-XX, Coverage Due to Inclement Weather and/or Emergency, for more information. While they may be deemed essential personnel, employees on the public safety pay scales are not eligible for additional pay due to building closures. Compensation for other essential personnel will be as follows:

A. Employees Required to Work

Any non-exempt, regular employee who is required by his/her supervisor to work during building closure periods shall be deemed essential personnel and will be paid a premium equal to the employee's hourly rate for any time the employee works during the building closure period. This premium is in addition to the regular wages essential personnel earn for any time worked in accordance with this policy.

For example, if the building closure period is 6am-10am, the employee's work schedule is 8am-4pm, and the employee works 9am-4pm (no lunch break) on the day of the closure as directed by the supervisor, the employee would receive one (1) hour of paid administrative leave due to building closure (8am-9am), one (1) hour of essential personnel additional pay due to building closure (9am-10am), and seven (7) hours of pay for time worked (9am-4pm).

B. Employees Not Required to Work

Any non-exempt, regular employee who chooses to work when not required to report to work will not receive additional pay due to a building closure, but will be compensated for that time worked as straight time or overtime as appropriate.

VIII. PROFESSIONAL LEARNING

See Policy § P-87, Professional Learning, for more information on compensable work time for training and learning activities.

IX. COURT APPEARANCES / HEARINGS

When employees are subpoenaed to appear as witnesses in legal proceedings or participate in hearings with other federal, state, or local agencies in their capacities as County employees, the time spent in such work-related proceedings will be treated as compensable work time.

Employees who initiate or are otherwise involved in legal actions of any kind (excluding employee grievance proceedings) in their private capacity and not as a County employee, whether such actions involve the County or not, will not be permitted to treat such time as compensable work time. Leave may be requested in accordance with policy § P-XX, Leave Program

X. ~~VI.~~ SPECIAL PROVISIONS FOR SWORN LAW-ENFORCEMENT EMPLOYEES

A. Court ~~Time~~Appearances/Hearings. Work-related Court ~~time~~ appearances/hearings worked by sworn law-enforcement employees outside of the ~~regularly~~ regular work schedule~~d work hours~~ for that day will be paid~~shall be compensated~~ at one and one-half (1.5) times the employee's regular hourly rate, ~~regardless of the number of hours worked in that work period.~~ If an employee exceeds the maximum allowable hours for the work period, or as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.), while attending work-related Court hearings, the employee will receive overtime pay instead of court pay. The employee may not receive both for the same hours worked. In lieu of receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above. These employees will be guaranteed a minimum of two (2) hours of court pay even if less than two (2) hours of work are performed. Only hours physically worked count towards the maximum allowable hours.

B. Contractual Overtime. Contractual overtime is defined as work outside of County work hours assigned to a sworn law-enforcement employee at the request of an outside entity and performed at the employee's option~~that reimburses the wages of the employee~~. Contractual overtime shall only be compensated monetarily. Those ~~V~~voluntary contractual hours worked by employees shall not count as hours worked for the County. Sworn law-enforcement employees shall be paid for voluntary contractual hours worked at an established fixed ~~flat~~ rate ~~established by the County Executive~~.

Amended August 4, 1993; August 3, 1994; September 1, 1997; December 9, 2009; March 1, 2019