

SECTION 1.6.2: OVERTIME AND FLSA/NON-FLSA COMPENSATORY TIME.

- (a) Definition. Full-time and permanent part-time employees' overtime is authorized or ordered work actually worked by an employee which is in excess of the full regularly scheduled work period. No employee will be paid overtime unless he/she actually works more than the total number of hours in the full (40, 80 or more) work period as defined in Section 1.5.1 (Work Periods), or in specific instances provided below.

- (b) Overtime Designators and Compensation for Overtime. The following describes each overtime designator and the compensation for overtime in accordance with the overtime designator. The Salary Schedule contains a list of all classes. Each class is assigned an overtime designator in the column entitled "Overtime Eligibility." The designator identifies eligibility for overtime as one of the following types:
 - (1) Designator "X" - Not Eligible for Overtime. Employees are not eligible for overtime and not eligible to accrue or accumulate compensatory time off.

 - (2) Designator "E" - Straight Cash or Compensatory Time Off.
 - (a) Employees in classes with overtime designator "E" are exempt from the Fair Labor Standards Act (FLSA) but eligible for Non-FLSA cash or compensatory time off on an hour-for-hour basis for authorized overtime worked. The decision to pay cash or compensatory time off shall be at the discretion of the appointing authority.

 - (b) Employees in eligible classes listed below are eligible for compensatory time off on an hour-for-hour basis for authorized overtime worked to be taken as authorized by the appointing authority. If granting compensatory time off would impair the effective operation of the department, or if authorizing payment of cash in lieu of compensatory time off would improve the operation of the department, the appointing authority, with the approval of the Chief Administrative Officer, may authorize the payment of cash at straight-time rates in lieu of compensatory time off. Cash payments shall not be made unless the required approvals are given prior to the time the overtime is worked.

Eligible Classes: Classes designated SM.

- (c) This provision shall not be construed to provide payoff of all or any portion of compensatory time balances unless

specified otherwise in Subsection 1.6.2(l) (Cash Pay Off of Compensatory Time Balances) below.

- (d) The decision to pay for overtime worked in cash or compensatory time off shall be at the reasonable discretion of the appointing authority with consideration for the employees' choice. Employees may request in advance their preference for cash or compensatory time off. The appointing authority shall grant the request if it meets the operational and/or funding needs of the department. The decision of the Appointing Authority or designee is final. An employee shall not be denied overtime opportunities due to requested preferences made pursuant to this section.

Eligible Classes: Classes Designated CM or CR

- (e) The decision to pay for overtime worked in cash or compensatory time off shall be at the reasonable justifiable discretion of the appointing authority with consideration for the employees' choice. Employees may request in advance their preference for cash or compensatory time off. The appointing authority shall grant the request if it meets the operational and/or funding needs of the department. The decision of the Appointing Authority or designee is final. An employee shall not be denied overtime opportunities due to requested preferences made pursuant to this section.

Eligible Classes: Classes Designated AE, CL, FS, HS, MM, PR, PS, RN, SS, and SW

(Amended 10/08/13, Ord. No. 10293)
(Amended 12/03/13, Ord. No. 10303)
(Amended 01/10/14, Ord. No. 10316)
(Amended 10/13/17, Ord. No. 10499)

(3) Non-Exempt Designator "N" - Premium Cash or Compensatory Time.

- (a) Non-exempt employees covered by the FLSA are eligible for overtime at time and one-half (1½) cash or compensatory time off. The decision to pay cash or compensatory time off shall be at the discretion of the appointing authority.
- (b) For employees in classes with non-exempt designator "N," cash payment shall be made at straight-time rates for all of the eligible employees' FLSA compensatory time balance

upon termination. This payoff shall be at the average hourly rate received by the employee during the last three years of employment, or the final hourly rate, whichever is higher.

- (c) Classes designated DI and DM. Eligible for cash compensation at one and one-half (1-1/2) rate for each hour of overtime worked over 85 hours in a work period. With the approval of the appointing authority, eligible employees in classes with designator "N" may receive compensatory time off at one and one-half (1-1/2) rate in lieu of cash compensation. The appointing authority may approve the payment of cash at the regular hourly rate in lieu of compensatory time for any portion of an employee's accumulated FLSA compensatory time that has been on the employee's leave balance for more than thirty (30) days.

- (d) Classes Designated PO and SO.
 - (i) Full-time Employees: Full-time employees' overtime is authorized or ordered work, actually worked by an employee, which is in excess of the employee's regularly scheduled work period. No full-time employee will be paid overtime unless he/she works more than eighty-four (84) hours in any work period. When the appointing authority establishes a work schedule which is the employee's routine work schedule, and such schedule results in the employee routinely working more than eighty-four (84) hours in a work period, the hours actually worked in the work period which exceed eighty-four (84) hours shall be considered overtime.

 - (ii) Part-time Employees: Permanent part-time employees' overtime is authorized or ordered work, actually worked by an employee, which is in excess of eighty-four (84) hours per work period. When the appointing authority establishes a work schedule which is the employee's routine work schedule, and such schedule results in the employee routinely working more than eighty-four (84) hours in a work period, the hours actually worked in the work period which exceed eighty-four (84) hours shall be considered overtime.

 - (iii) Extra Hours Worked: Extra hours or hours actually worked in excess of eighty (80) hours but less than eighty-four (84) hours in the fourteen (14) day consecutive day work period shall be compensated at

straight time hourly rate.

- (e) Classes Designated DS: Overtime is authorized or ordered work, performed by an employee which is in excess of eighty-five (85) hours in the standard work period.

(Amended 08/01/08, Ord. No. 9946)

- (f) The decision to pay for overtime worked in cash or compensatory time off shall be at the reasonable discretion of the appointing authority with consideration for the employees' choice. Employees may request in advance their preference for cash or compensatory time off. The appointing authority shall grant the request if it meets the operational and/or funding needs of the department. The decision of the Appointing Authority or designee is final. An employee shall not be denied overtime opportunities due to requested preferences made pursuant to this section.

Eligible Classes: Classes Designated AE, CL, CM, CR, FS, HS, MM, PR, PS, RN, SS, and SW

(Amended 10/08/13, Ord. No. 10293)

(Amended 12/03/13, Ord. No. 10303)

(Amended 01/10/14, Ord. No. 10316)

- (c) Work Hours Required Before Overtime is Accrued.

Work Period Hours Required Before Overtime is Accrued								
Union Code	O/T Code	Reg Work Period		Full-Time Employee		Permanent Part-Time Employee		O/T Earned at:
		Days	Hours	Wk 1	Wk 2	Wk 1	Wk 2	
CEM*, MA*, MM*, PR*	E	14	80	80		80		1.0 after 80 hours
SM (7K Exempt)	E	14	85	85		85		1.0 after 85 hours
AE, CE, CEM*, CL, CM, CR, FS, HS, MA*, MM*, NA*, NS, PR*, PS, RN, SS, SW	N	7	40	40	40	40	40	1.5 after 40 hours
Classes: 5726, 5727, 5728, 5729 (Public Assistance Investigator Tr, I, II and Supervisor)	N	14	80	80		80		1.5 after 80 hours
7J Exempt employees (San Diego County Psychiatric Hospital)	N	14	80	80		80		1.5 for any hours worked over 8 hours in a day.

Work Period Hours Required Before Overtime is Accrued

Union Code	O/T Code	Reg Work Period		Full-Time Employee		Permanent Part-Time Employee		O/T Earned at:
		Days	Hours	Wk 1	Wk 2	Wk 1	Wk 2	
PO, SO (7K Exempt)	N	14	80/84	80/84		80/84		1.0 after 80 hours, then 1.5 after 84 hours.
DI, DM (7K Exempt)	N	14	80	80		80		1.0 after 80, then 1.5 after 85 hours.
DS (7K Exempt)	N	14	85	85		85		1.5 after 85 hours
AM, AS, CC, CEM*, CS, DA, EM, MA, NA*, NE, NM, PD, PM, UM	X	N/A	N/A	N/A	N/A	N/A	N/A	Not Eligible for Overtime

*Job Codes/Classifications in this Union Code may have an E, N, or X Overtime Code. You should verify you are using the correct row of information.

(Amended 08/01/08, Ord. No. 9946)
 (Amended 09/26/08, Ord. No. 9955)
 (Amended 01/11/13, Ord. No. 10244)
 (Amended 07/08/16 & 07/28/16, Ord. No. 10432)

- (d) Residential Care Facilities. Employees employed in a County hospital or facility primarily engaged in the care of persons who are sick, the aged, or the mentally ill, who reside on the premises, may be compensated at a rate not less than one and one-half times (1 ½) the regular rate for any work actually performed in excess of either eight (8) hours in any workday and in excess of eighty (80) hours in a fourteen (14) consecutive day work period.

Eligible Classes: Classes Designated AE, CL, FS, MM, PR, PS, and SS units

(Amended 04/28/17, Ord. No. 10471)

- (e) Irregular Schedules.
- (1) Non-Exempt Employees. When an eligible employee is assigned by his/her appointing authority to a work schedule which results in more than forty (40) hours being worked in any workweek, the hours in the week over forty (40) shall be paid as overtime. Nonexempt employees shall not be assigned a regular work schedule that has more than 40 hours in one week.

Eligible Classes: Classes with overtime designator "N", excluding DI, DM, DS, PO, SO and employees covered under the 7J Exemption of FLSA.

- (2) Exempt Employees. When an eligible employee and his/her appointing authority agree to a routinely scheduled, flexible work schedule which results in more than forty (40) hours being worked in one (1) week and less than forty (40) hours being worked, in the subsequent week, the hours in the week over forty (40) shall not be paid as overtime unless the total number of hours worked in the biweekly pay period exceeds eighty (80).

Eligible Classes: Classes with overtime designator "E".

- (f) Hourly Rate Employees. An appointing authority may require or authorize an hourly rate employee to work more than the normal full-time work schedule for his/her class and position.

- (g) Method of Calculation.

- (1) Recording and Authorization. Overtime shall be recorded in units of hours and tenths of hours. Overtime must be for work ordered or approved in advance by the appointing authority. The appointing authority shall keep current records of each instance of overtime worked, the reason therefor, by whom authorized, and the date and duration of compensatory time off allowed and/or cash compensation paid.

- (2) More Than One Class. Overtime earned by an employee who is employed in more than one class shall be computed in the manner provided in this section for each class separately.

- (3) Exclusion of Leave from Hours Actually Worked for Overtime Purposes.

- (a) Classes Designated AE, CL, DI, DM, FS, MM, PR, PS and SS. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation. (MM classes listed in the chart above are eligible for Holidays to count as time worked (See chart: 1.6.2(g)(4)(h) below: Hours Counted as Hours Worked for Overtime Purposes Non-Exempt Employees.)

(Amended 06/28/13, Ord. No. 10263)

- (b) Classes Designated CM and CR. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, jury duty, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.
- (c) Classes Designated HS. Any absence including, but not limited to, paid sick leave, disability leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.
- (d) Classes Designated PO and SO. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off, or unpaid work furlough or any other paid or unpaid time-off which may be infrequent, sporadic or unpredictable shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.

(Amended 06/20/08, Ord. No. 9943)

- (e) Classes Designated RN. Any absence including, but not limited to, paid sick leave, disability leave, vacation, holiday, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.

- (f) Classes Designated SW. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off, or unpaid work furlough or any other paid or unpaid time-off which may be infrequent, sporadic or unpredictable shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.

(Amended 06/20/08, Ord. No. 9943)

(4) Hours Counted as Time Worked for Overtime Purposes.

- (a) For employees in classes designated CE, CEM, MA, NA, NS paid leave, holidays and compensatory time off shall count as hours worked for overtime purposes.

(Amended 07/08/16 & 07/28/16, Ord. No. 10432)

- (b) For employees in classes designated PO, SO and SW, investigation, preparation or presentation of a grievance and authorized release time for negotiations shall count as hours worked for overtime purposes.

(Amended 06/20/08, Ord. No. 9943)

- (c) For employees in classes designated DS, sick leave, bereavement leave, vacation, and holidays, compensatory time off and any other paid time off shall count as hours worked for overtime purposes.

- (d) For employees in classes designated HS, bereavement leave shall count as hours worked for overtime purposes.

- (e) For employees in classes designated CM or CR, and for classes 7069 - Wastewater Plant Operator III, 5885 - Building Maintenance Supervisor, 5900 - Sheriff's Supervising Heli/Air Mechanic, 6163 - Sr. Electronic Security & Systems Technician, 6149 - Telecommunications Technician III, holidays shall count as hours worked for overtime purposes.

- (f) For employees in classes designated RN, jury duty and bereavement leave shall count as hours worked for overtime purposes.

- (g) The following shall count as hours worked for overtime purposes for nonexempt employees in classes designated below:

Hours Counted as Time Worked for Overtime Purposes for Nonexempt Employees								
	PO	SO	SW	CM	CR	HS	RN	MM (Designated Classes Only) 5885 Building Maintenance Supv 5900 Sheriff's Supv Heli/Air Mech 6163 Sr Electronic Security & Sys Tech 6149 Telecommunications Tech III 7069 Wastewater Plant Operator III
Bereavement						√	√	
Holidays				√	√			√
Jury Duty							√	
Grievance (Investigation, Preparation, Presentation)	√	√	√					
Negotiations (Authorized Release Time)	√	√	√					

(Amended 03/26/10, Ord. No. 10043)

(Amended 06/28/13, Ord. No. 10263)

- (5) Part-Time Employees. Overtime compensation for part-time employees shall only be paid for ordered work performed in excess of the full regularly scheduled work period as set forth in Section 1.5.1 (Work Periods) and subsection 1.6.2(c) (Work Hours Required Before Overtime is Accrued) above. No permanent part-time employee will be paid overtime unless he/she actually works more than the total number of hours in the full (40, 80 or more) work period.
- (6) Calculation of Rate. Calculation of overtime shall be based on the employee's regular rate of pay. The regular rate shall include the base hourly rate for the employee's class plus all eligible premiums to which the employee is entitled for the overtime work performed.
- (h) Required Prior Approval of Overtime – Work Action. In the event of a concerted work action of employees, an appointing authority shall request and must receive approval of the Chief Administrative Officer prior to authorizing overtime to relieve a loss of work force due to an employee work stoppage, slowdown, sick out, or other interruption of operations or services. An appointing authority may authorize overtime deemed necessary for a period not to exceed 12 hours from such authorization in an emergency if the Chief Administrative Officer is unavailable. Approval

of the Chief Administrative Officer must be received within 12 hours of such authorization for any further overtime to be granted.

(i) Accrual Limits.

- (1) To the extent the appointing authority authorized overtime and an employee is allowed to accrue and accumulate compensatory time off, such accumulation shall be limited to the following maximum number of hours at the beginning of any biweekly pay period:

Maximum Accrual Limit				
Overtime Code	Eligible Classes	FLSA	Non-FLSA	Floating Holiday
Classes designated "N" Nonexempt (FLSA Overtime)	AE, CE, CEM ^(c) , CL, CM, CR, FS, HS, MA ^(c) , MM ^(c) , NA ^(c) , NS, PO, PR ^(c) , PS, RN, SO, SS, SW	120	40	24
	MM Classes: 006342 (Sr Park Ranger), 006343 (Supv Park Ranger) and PS Class: 006332 (Park Ranger)	120	64	24
	DS	120	40	25.5
	DI, DM ^(a)	160		NA
Classes designated "E" Exempt (Straight Cash or Comp)	CEM ^(c) , MA ^(c) , MM ^(c) , PR ^(c)	N/A	40	24
	SM	N/A	N/A	25.5
Classes designated "X" Exempt (Not Elig for Overtime)	AM, AS, DA, PD, PM ^(b)	N/A	N/A	24
	CC, CS	N/A	200	24
	CEM ^(c) , EM, MA ^(c) , NA ^(c) , NE, NM, UM	N/A	N/A	24
Notes: N/A = Classifications in that union code cannot accrue hours in that comp time bucket. (a) DI and DM have their comp time balances placed into a consolidated bucket which has a total limit of 160 Comp Time hours. Employees who have accumulated compensatory time off balances in excess of 160 hours shall be paid in cash for FLSA overtime actually worked in excess of the authorized 160 hours. (b) <u>Exception:</u> Classes designated AM, AS, DA, PD and PM were reassigned to OT Code "X" from "E" on July 1, 2001. Employees with existing (Non-FLSA) comp time balances at that time were allowed to retain their comp time hours. (c) Job Codes/Classifications in this Union Code may have an E, N, or X Overtime Code. You should verify you are using the correct row of information.				

(Amended 01/11/13, Ord. No. 10244)
 (Amended 10/08/13, Ord. No. 10293)
 (Amended 07/08/16 & 07/28/16, Ord. No. 10432)

(2) Balances Exceeding Compensatory Time Limits.

- (a) Balances at the beginning of any pay period which exceed the accrual limits above will automatically be reduced to the maximum accrual limit unless specified otherwise below or

in Subsection 1.6.2(k) (Portability and Cash Pay Down of Compensatory Time Balances) below.

- (b) Notwithstanding the above, employees in classes designated AM, AS, DA, PD and PM shall retain all Compensatory Time balances earned prior to July 1, 2001.

(3) FLSA/Non-FLSA Overtime Hours.

- (a) Employees who have accumulated FLSA Compensatory time off that reach one hundred twenty (120) hours shall be paid cash for overtime actually worked over the maximum FLSA compensatory time balance of one hundred twenty (120) hours.

Eligible Classes: Classes designated AE, CL, CM, CR, DS, FS, HS, MM, PO, PR, PS, RN, SO, SS and SW.

- (b) Employees who transfer for any reason other than discipline or demote in lieu of layoff to a classification whose maximum allowable accumulation of compensatory time off is less than one hundred twenty (120) FLSA hours and (40) Non-FLSA hours, such employee shall be given a one year period after such transfer or demotion to reduce accumulated FLSA compensatory time off to the lower accumulation, notwithstanding Subsection 1.6.2(k) (Portability and Cash Pay Down of Compensatory Time Balances) below.

Eligible Classes: Classes designated AE, CL, CM, CR, FS, HS, MM, PR, PS, RN and SS.

- (c) Non-FLSA Overtime Hours. When CC and CS employees in eligible classes are allowed to accumulate compensatory time off such accrual shall be limited to a maximum of two hundred (200) hours at the beginning of any payroll period. Balances which exceed two hundred (200) hours will automatically be reduced to two hundred (200) hours.

(j) Non-FLSA Compensatory Time Accumulation.

- (1) Employees in classes designated DS, AE, CE, CEM, CL, CM, CR, FS, HS, MA, MM, NA, PO, PR, PS, RN, SO, SS and SW, designated "N" can accumulate a maximum of forty (40) hours of non-FLSA compensatory time off. The employee shall not be required to take off or be paid for such hours. Any non-FLSA compensatory time accumulated shall be accounted for separately from FLSA compensatory time. For employees in classes

designated DS who have been authorized to use compensatory time, the time off shall be deducted first from employee's non-FLSA compensatory time accumulation balances.

(Amended 07/08/16, Ord. No. 10432)

- (2) Employees in classes designated DS who have non-FLSA compensatory time in excess of the maximum allowable (40 hours) as of March 31, 2006, and classes designated AE, CE, CEM, CL, CM, CR, FS, HS, MA, MM, PO, PR, PS, RN, SO, SS and SW, shall have until June 30, 2008, to bring accumulation balances to forty (40) hours. Failure to do so will result in the loss of non-FLSA compensatory hours in excess of forty (40) hours.

(k) Portability and Cash Pay Down of Compensatory Time Balances.

- (1) Portability/Pay Down Summary. Employees moving between Service Types (Classified or Unclassified) or overtime designators may retain compensatory balances not to exceed the accrual limits of the new classification. Notwithstanding this section, the appointing authority may pay down FLSA overtime balances for unrepresented exempt ("E" and "X") employees at any time. Pay down or balance transfers shall be administered as follows:

Portability and Cash Pay Down of Compensatory Time Balances Summary										
Employee's Old Classification		Employee's New Classification		Retain Comp Balance		Pay Down			Use Hours Prior to Transfer or Lose Hrs ^(a)	
Service Type	O/T Code	Service Type	O/T Code	(Up to New Class' Accrual Limit)		FLSA	Non-FLSA	Floating Holiday		
				FLSA	Non-FLSA					
Classified	N	Classified	N	Yes	Yes	Yes ^(b)	No	No	No	
			E	No	Yes	Yes	No	No	No	
			X	No	No	Yes ^(c)	No	No	Yes ^(d)	
		Unclassified	X	No	No	Yes	No	No	Yes	
	E	Classified	N	N/A	Yes	No	No	No	No	No
			E	N/A	Yes	No	No	No	No	
			X	N/A	No ^{(d)(e)}	No	No	No	Yes ^{(d)(e)}	
		Unclassified	X	N/A	No	No	No	No	Yes	
	X	Classified	N	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			E	N/A	N/A	N/A	N/A	N/A	N/A	
			X	N/A	N/A	N/A	N/A	N/A	N/A	
		Unclassified	X	N/A	N/A	N/A	N/A	N/A	N/A	
Unclassified	X	Classified	N	N/A	N/A	N/A	N/A	N/A	N/A	
		E	N/A	N/A	N/A	N/A	N/A	N/A		
		X	N/A	N/A	N/A	N/A	N/A	N/A		
		Unclassified	X	N/A	N/A	N/A	N/A	N/A	N/A	

Portability and Cash Pay Down of Compensatory Time Balances Summary									
Employee's Old Classification		Employee's New Classification		Retain Comp Balance		Pay Down			Use Hours Prior to Transfer or Lose Hrs ^(a)
Service Type	O/T Code	Service Type	O/T Code	(Up to New Class' Accrual Limit)		FLSA	Non-FLSA	Floating Holiday	
				FLSA	Non-FLSA				
Footnote:									
(a) Employee must use comp time and floating holiday hours or they will lose those in excess of the Comp Time limit of the new classification.									
(b) Pay down if new FLSA limit is less than employee's old FLSA limit unless exempted in Subsection 1.6.2(i)(3)(b) (FLSA/Non-FLSA Overtime Hours). Notwithstanding this section, the appointing authority may pay down FLSA overtime balances for unrepresented exempt ("E" and "X") employees at any time.									
(c) <u>Employees AE, CL, CM, CR, FS, HS, MM, PR, PS, RN and SS.</u> Employees who transfer for any reason other than discipline or demote in lieu of layoff to a classification whose maximum allowable accumulation of compensatory time off is less than one hundred twenty (120) FLSA hours and (40) Non-FLSA, such employee shall be given a one year period after such transfer or demotion to reduce accumulated FLSA compensatory time off to the lower accumulation.									
(d) <u>Employees moving from the Classified to Unclassified Services.</u> Employees with Non-FLSA balances shall have one (1) year from the appointment date to use, or lose, Non-FLSA balances.									
(e) <u>Exception:</u> Classes designated AM, AS, DA, PD and PM were assigned to OT Code "X" from "E" July 1, 2001. Employees with existing Non-FLSA comp time balances at that time were allowed to retain their comp time hours. These hours are treated like Classified Service "E" OT hours.									
Note: NA = Not applicable. Classes with overtime designator "X" are not eligible to earn overtime.									

(2) FLSA Comp Time.

- (a) External Transfers. When an employee with an FLSA (Designator "N") overtime balance has an external transfer between departments (Business Units), the employee shall use or the department sending the employee shall pay down FLSA hours in excess of the accrual limit for the employee's new class at the compensation rate prior to the transfer. (See Subsections 1.6.2(i)(2) (Balances Exceeding Compensatory Time Limits).)
- (b) Moving from Classified to Unclassified Service. Employees in the Classified Service who transfer into the Unclassified Service and have FLSA compensatory time accumulated while in the Classified Service must use that FLSA compensatory time or be paid for it prior to the date of the status change from Classified to Unclassified.
- (c) Moving from Nonexempt ("N") to Exempt ("E"). Employees in the Classified Service who are in a class with overtime designator "N" and move into another Classified job code that has overtime designator "E" or whose current job code

overtime designator is changed to overtime designator "E" through Board of Supervisor approval and has FLSA compensatory time accumulated, must use that FLSA compensatory time prior to the date of the status change or be paid for it prior to the date of the status change.

- (d) Request for Pay Down. An employee in classes designated eligible, who has reached eighty percent (80%) of the maximum accrual limit of compensatory time off, may request the appointing authority to pay off a specified amount of FLSA ("N" coded) compensatory time which was earned and credited while actually working in an overtime status. When pay off is approved by the appointing authority, it shall be paid on an hour for hour basis at the employee's current rate.

Eligible Classes: Classes designated AE, CL, CM, CR, FS, HS, MM, PO, PR, PS, RN, SO and SS.

- (3) Non-FLSA Comp Time. Non-FLSA (Designator "E") compensatory hours are not eligible for cash pay down or transfer when an employee moves from the Classified Service to the Unclassified Service.

(I) Cash Pay Off of Compensatory Time Off Balances.

(1) General Principles.

- (a) FLSA compensatory time hours shall be paid off when an employee separates from service.
- (b) Non-FLSA compensatory time hours are NOT eligible for pay off when the employee separates from service except:
 - (i) For employees in classes with designator "N" the appointing authority may, with the approval of the Chief Administrative Officer, authorize the payment of cash at straight-time rates for all or any portion of the eligible employees' non-FLSA compensatory time balance upon termination. This payoff shall be at the final hourly rate
 - (ii) Layoff. The Board of Supervisors may approve the payment of cash in lieu of compensatory time off at straight-time for all or any portion of an employee's accumulated compensatory time off for any employee who is laid off when such payment is in the best

interests of the public service.

- (iii) Death. For eligible employees in classes designated AE, CE, CEM, CL, CM, CR, DS, FS, MM, PR, PS, RN, SS, or SW, all non-FLSA compensatory time balances for "N" designated classes shall be paid off at the final hourly rate in the event of death of the employee.

(2) Cash Pay Off of Compensatory Time Summary.

Union Code	O/T Code	Cash Pay Off of Compensatory Time Balances Summary								
		Termination			Layoff			Death		
		FLSA Hours	Non-FLSA Hours	Floating Holiday Hours	FLSA Hours	Non-FLSA Hours	Floating Holiday Hours	FLSA Hours	Non-FLSA Hours	Floating Holiday Hours
AE, CE, CEM*, CL, CM, CR, DS, FS, HS, MA*, MM*, NA*, NS, PR*, PS, RN, SS, SW	N	All	Subject to CAO Approval	0	All	40	0	All		0
PO, SO		All		0	All	40	0	All	0	0
DI, DM		All		All	All		All	All		All
DS		All		0	All	40	0	All		0
CEM*, MA*, PR*, MM*	E	All	0	0	All	40	0	All	40	0
SM		N/A	0	0	N/A	40	0	N/A	40	0
AM, AS, CC, CS, DA, EM, NA*, NE, NM, PD, PM, UM	X	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0

Notes:
 1. FLSA hours are always paid off upon separation from service.
 2. N/A - Classifications in that union code cannot accrue hours in that comp time bucket.

*Job Codes/Classifications in this Union Code may have an E, N, or X Overtime Code. You should verify you are using the correct row of information.

(Repealed 01/18/08, Ord. No. 9912)
 (Added 01/18/08, Ord. No. 9912)
 (Amended 04/06/12, Ord. No. 10202)
 (Amended 01/11/13, Ord. No. 10244)
 (Amended 06/28/13, Ord. No. 10263)
 (Amended 07/08/16, Ord. No. 10432)
 (Amended 10/14/16, Ord. No. 10439)

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