

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

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| SUBJECT | Number 95.01 | Issue 4 | Page 1 of 4 |
| OVERTIME COMPENSATION | Effective Date October 1, 2019 | | |

1. PURPOSE

- 1.1. To establish administrative policy for the authorization and payment of *Overtime* compensation as required by the Salary Ordinance, Personnel Manual Index Code H-4, and the federal Fair Labor Standards Act (FLSA).

2. SCOPE

- 2.1. This regulation applies to all City departments.

3. DEFINITIONS

- 3.1. Overtime – Authorized time worked because of *Emergency Conditions* which require a *Non-exempt Employee* to work more than that employee’s normally scheduled hours, and which must be compensated at an *Overtime* rate in accordance with the FLSA, the Salary Ordinance, and Personnel Manual Index Code H-4.
- 3.2. Emergency Conditions – Exist when *Overtime* work is required to prevent the interruption of a necessary public service; protect property from damage; remove hazards that threaten the public safety; complete an activity, project, or work assignment within an established legal time limitation; or serve the convenience of the public.
- 3.3. Compensatory Time – Time off in lieu of pay for *Overtime* hours worked.
- 3.4. Non-exempt Employee – An employee in a category authorized by the FLSA whose classification is designated by the Civil Service Commission as subject to the overtime provisions of the FLSA.

(Supersedes Administrative Regulation 95.01, Issue 3, effective August 27, 1986)

Authorized

Signature on File

CHIEF OPERATING OFFICER

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4. POLICY

4.1. Policy Authorized by the City Council and the Civil Service Commission

4.1.1. FLSA:

The City must comply with the FLSA.

4.1.2. In accordance with the Salary Ordinance and Personnel Manual Index Code H-4, the City establishes a list of *Non-exempt Employees* which must be consulted when applying this regulation. Subject to its obligations under the Meyers-Milias-Brown Act, the City reserves the right to change this *Overtime* policy if it is determined that the FLSA no longer applies to local governments or if applicable laws or regulations change.

4.2. Administrative Policy

4.2.1. Authorization:

Overtime will be authorized at the discretion of the Department Director or designee according to the guidelines in Personnel Manual Index Code H-4. All *Overtime* must be pre-approved in writing by the Department Director or designee or be in conformance with the *Non-exempt Employee's* Department operating procedures which authorize *Overtime* in certain *Emergency Conditions*.

4.2.2. Method of payment:

If a *Non-Exempt Employee* works *Overtime*, overtime will be paid or compensatory time given at the discretion of the Department Director or designee subject to the availability of funds and workload considerations. In most cases the method of payment, cash or compensatory time, is within the discretion of the Department Director or designee except in those limited circumstances set forth in Personnel Manual Index Code H-4, *Overtime Compensation*.

4.2.3. Compensatory Time:

a. *Compensatory Time* will be paid consistent with this regulation and in accordance with the employee's applicable Memorandum of Understanding (MOU) that covers the *Non-Exempt Employee*.

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4.2.4. Casual Overtime

Non-exempt Employees must not work unpaid casual *Overtime*. This includes starting work early, working late, or working during lunch, without prior written approval for *Overtime* in accordance with 4.2.1 above. *Non-exempt Employees* must not access any electronic or mobile City applications to perform any City work, including payroll time entry or approvals, or preparation of leave requests or approvals, outside of their normal working schedules. In addition, supervisors must not direct *Non-exempt Employees* to access any electronic or mobile City applications outside of the *Non-exempt Employees*' normal work schedules. All time worked in excess of a *Non-exempt Employee's* normal schedule must be pre-approved in writing or comply with the *Non-exempt Employee's* Department operating procedures pursuant to 4.2.1 above.

4.2.5. Extended Work Schedules

Any work schedule involving the assignment of any *Non-exempt Employee* to work more than five days consecutively or to work more than 40 hours in a seven-day work period must be reviewed and pre-approved in writing by the Department Director or designee.

4.2.6. Stand-By Pay

Department Directors must approve the assignment of any *Non-exempt Employee* to stand-by duty. *Non-exempt Employees* assigned to stand-by duty will be compensated consistent with Personnel Manual Index Code H-7.

5. RESPONSIBILITY

5.1. Department Director

Department Directors must ensure that *Non-exempt Employees* do not work unpaid casual *Overtime* as defined in 4.2.4.

5.1.1. Record Keeping

Departments must ensure that accurate payroll records are completed and maintained for all *Non-exempt Employees*. While on City-paid time, employees must enter time via the Employee Self Service (ESS) module in SAP, or complete and sign a paper time card for input into ESS or other records which accurately reflect actual time worked. For FLSA purposes, the City has adopted a standard work week beginning 12:01 a.m. Saturday morning and ending at 12:00 midnight,

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Friday. Exceptions to this work week are appropriate for employees who work unusual work schedules or work hours. Department Directors or designees must document the names of employees or groups of employees who are exceptions to the standard City work week. This documentation must include the employees' work schedules, including the time of day and day of the week that the workweek begins for each employee. This documentation and payroll records must be retained for three years in accordance with FLSA recordkeeping regulations.

APPENDIX

Legal Reference

Salary Ordinance

Personnel Manual Index Code H-4

Personnel Manual Index Code H-7

Administrative Regulation 95.30 - Processing of Biweekly Time Entry and Associated Payroll Documents

Subject Index

Compensation - *Overtime*

Overtime Compensation

Administering Department

Personnel Department