

**COUNTY BOARD OF HEALTH  
POLICY # HR-03427  
FAIR LABOR STANDARDS ACT (FLSA) &  
COMPENSATORY TIME POLICY**

Approval:		7/9/2020
	District Health Director	Date



**Public Health**  
Prevent. Promote. Protect.

**1.0 PURPOSE**

The Fair Labor Standards Act (FLSA) of 1938, as amended, establishes minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards and child labor restrictions for the employee's subject to its provisions. All CBOH employees are covered by the Act. Those employees meeting the Act's criteria for professional, executive, administrative, computer or other exemptions are exempt from overtime pay, although their employment must comply with the record-keeping and equal pay requirements of the Act.

**2.0 AUTHORITY**

The Compensatory Time Policy is published under the authority of the County Board of Health and in compliance with the following:

- 2.1 Office of Planning and Budget and the Human Resources Administration Policy No. 7 Memorandum, Revision No. 5.
- 2.2 Fair Labor Standards Act of 1938, as amended.
- 2.3 Code of Federal Regulations (CFR) Title 29, Chapter V

**3.0 SCOPE**

This policy applies to all CBOH employees.

**4.0 POLICY**

- 4.1 The policy of the County Board of Health is that compensatory time may be granted to Fair Labor Standards Act (FLSA) non-exempt employees under circumstances described in this policy.
- 4.2 A work period must be established in writing for every employee (both exempt and non-exempt) and will be on file in Human Resources. The work period must define the time of

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day and day of the week when the employee's work period begins and ends. (Example: Sunday to Saturday.)

- 4.3 An established work period may be changed if the change is intended to be permanent and not for the purpose of avoiding the accrual of FLSA overtime.
- 4.4 Exempt employees are not entitled to FLSA compensatory time.
- 4.5 The supervisor must receive written authorization for the approval of overtime for a non-exempt employee from HR unless there is an emergency situation. The supervisor must authorize overtime and it will be subject to review by HR.

Important Note: If overtime is worked by a non-exempt employee without prior approval, the time worked must be counted and paid properly in accordance with applicable law under FLSA.

- 4.5.1 Non-exempt employees who work overtime without prior authorization are subject to disciplinary action, up to and including termination from employment.
- 4.5.2 Overtime compensation may be provided to non-exempt employees either in the form of compensatory time or overtime payments.
- 4.5.3 Cash payments for overtime by CBOH are authorized only in those situations in which the following criteria are met:
  - 4.5.3.1. All the following alternatives to the payment of overtime were considered and found to be inapplicable, such as:
    - 4.5.3.1.1. The granting of equivalent time off during the same work week for employees who work extra hours in the beginning of the work week; and
    - 4.5.3.1.2. The accrual of compensatory time which the department believes an employee will be able to take off within a year of the date earned; and
    - 4.5.3.1.3. The use of temporary or part-time help have been considered and found to be inapplicable by the agency.
- 4.6 All compensatory time must be exhausted before Annual Leave is taken.
- 4.7 **FLSA Compensatory Time**
  - 4.7.1 Non-exempt employees must receive overtime compensation for all time worked over 40 hours in a work week.
  - 4.7.2 If FLSA compensatory time is provided, one and one-half hours off will be granted for each hour of overtime worked. If payments are provided, the overtime pay must be computed at one and one half times the regular hourly rate.

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- 4.7.3 All individuals employed as of April 15, 1986, will be considered to have agreed, or understood, that they may receive FLSA compensatory time rather than overtime payments as compensation for overtime worked. Each individual employed after that date must sign a document to this effect as a condition of employment. Such document will contain the statement provided in Appendix 2.
- 4.7.4 Each employee who requests to use accrued FLSA compensatory time should use such time within a reasonable time, not to exceed one year, and in accordance with the operations of CBOH.
- 4.7.5 Upon termination, earned and approved FLSA compensatory time for non-exempt employees will be paid at the specified rate. The specified rate is determined by the current compensation rate of the employee.
- 4.7.6 FLSA compensatory time shall not be transferred between agencies.
- 4.7.7 Overtime earnings, including FLSA compensatory time, must be calculated for each work week. Hours cannot be averaged over two or more work weeks.
  - 4.7.7.1 Overtime for non-exempt employees will be earned and compensated for in increments no smaller than five minutes. Employee starting and stopping time should be rounded to the nearest five minutes.
  - 4.7.7.2 Time off for state holidays, paid leave and compensatory time off is not counted as hours worked in calculating overtime payments.
- 4.8 Standards for Working Hours, Meals, Breaks and On-Call Time
  - 4.8.1 Off duty time for meals is not counted as hours worked for purposes of calculating overtime payments.
  - 4.8.2 It is the responsibility of the supervisor to ensure that work is not performed during non-scheduled working hours.
  - 4.8.3 CBOH non-exempt employees are not permitted to occupy their work stations before or after working hours or during meal periods.
  - 4.8.4 Supervisors are authorized to establish beginning and ending times of the work day and of meal periods. However, meal periods (non-work time), if provided, must be at least thirty minutes long, and employees must not perform any duties, whether active or inactive, during their meal periods.
  - 4.8.5 Breaks are considered work time for compensation purposes. Under no circumstances may any employee report later to work, or depart earlier from work by foregoing or "working through" a break. Breaks are a privilege and not a right.
  - 4.8.6 When a supervisor requires an employee to work during one or more break periods, no overtime or compensatory time is earned by such work.

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- 4.8.7** On-call time is not work time unless an employee is required to remain on the agency's premises or is so restricted that he or she cannot use the time effectively for his or her own purposes. An employee who is merely required to carry a mobile device or leave word where he or she may be reached is not considered to be working while on call.
- 4.8.8** More specific definitions of work time are presented in Appendix 3.
- 4.9** Meetings/Training - Time spent attending meetings, training and similar activities must be counted as time worked, unless ALL the following criteria are met:
- 4.9.1** The attendance is outside of the non-exempt employee's regular working hours; and
- 4.9.2** The attendance is voluntary; and
- 4.9.3** The meeting, training or similar activity is not directly related to the non-exempt employee's position; and
- 4.9.4** The non-exempt employee performs no productive work related to the non-exempt employee's position while in attendance.
- 4.10** Travel - Normal travel from home to work and return is not work time. This is true whether the non-exempt employee has a fixed work place or works at different locations.
- 4.10.1** Travel to work assignments, outside of the normal commuting distance is considered in the "home to work" category and is **not** work time. However, if a non-exempt employee is required to stop by the primary work site for instructions or to pick up materials, the travel from the primary work site to the work assignment must be counted as time worked.
- 4.10.2** Travel between a non-exempt employee's normal work site and another place of assignment, or travel between one assignment and another during the work day, is considered time worked.
- 4.10.3** Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy CBOH will not consider as "work time", that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.
- 4.10.4** Exempt employees are not entitled to any compensation for travel time either outside of or in addition to, their normal hours of work.
- 4.10.5** Supervisors should work with non-exempt employees such that these situations are minimized.
- 4.11** Paid Holidays - The Fair Labor Standards Act does not require overtime compensation for holiday work unless the total hours physically worked during the week exceed forty. The

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policy is that CBOH employees will not receive overtime compensation until they have actually worked more than forty hours, even though the work week includes one or more holidays. This policy applies regardless of whether an employee works on the holiday or defers the holiday on a different day during the week.

**4.12** Paid Leave (annual, sick, personal, education) - Overtime compensation is required only when the work time exceeds forty hours in a work week. Paid leave shall not count as work time.

**4.13 Compensatory Time**

**4.13.1** All State compensatory time must be pre-approved by the supervisor and subject to review by HR. Disciplinary action may be taken for employees and supervisors that violate this requirement.

**4.13.2** State compensatory time, on a straight-time basis, may be granted to an eligible exempt employee who is required to work longer than the normally assigned hours in a work period, or to a non-exempt employee under conditions described in Sections 4.11 and 4.12. Such State compensatory time shall be granted to an eligible employee only when the employee actually reports to work and not when he or she is simply "on-call."

**4.13.3** Employees whether exempt or nonexempt, are eligible for State compensatory time if they are required to work on a holiday.

**4.13.4** An eligible employee may not accumulate more than 240 hours of State compensatory time and must utilize all accumulated State compensatory time within one year of the date that it is earned. All State compensatory time not taken within one year of the date earned shall be lost.

**4.13.5** An employee who transfers from employment with one agency/CBOH to another, may not transfer any accumulated State compensatory time to the agency to which he or she is transferring. In the event that an employee terminates employment with a State agency, all accumulated State compensatory time is lost and the employee is not entitled to be paid for such time.

**5.0 DEFINITIONS**

**5.1 CBOH** – County Board of Health

**5.2 HR** – Human Resources

**5.3 Executive Branch** - The branch of federal and state government that is broadly responsible for implementing, supporting, and enforcing the laws made by the legislative branch and interpreted by the judicial branch. At the state level, the executive includes governors and their staffs.

**5.4 FLSA** – Fair Labor Standards Act

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- 5.5 **Non-Exempt Employee** - Employees who are covered by or subject to the minimum wage, overtime and recordkeeping provision of the federal Fair Labor Standards Act (FLSA).
- 5.6 **Exempt Employee** – Employees who, because of their job duties, are not subject to the FLSA minimum wage, overtime or recordkeeping requirements of the law. Exemptions from the law are narrowly defined and the employer must prove that the exemption rules apply. Appendix 1 provides guidance in determining exemption status.
- 5.7 **FLSA Compensatory Time** – Time and a half earned by **non-exempt** employees who are in pay status for more than 40 hours during a 7-day FLSA work period, and have actually worked more than 40 hours during the work period, not including a holiday or paid leave (annual, sick, personal or education).
- 5.8 **State Compensatory Time** – Straight-time compensation that may be granted to an eligible **exempt** employee who is required to work longer than the normally assigned hours in a work period, or to a non-exempt employee under conditions described in Sections 6.11 and 6.12. Such State compensatory time shall be granted to an eligible employee only when the employee actually reports to work and not when he or she is simply "on-call."
- 5.9 **Work Week/Work Period** - The normal FLSA "work period" is the "work week" -- 7 consecutive days -- and the normal FLSA overtime threshold is 40 hours per work week.

## 6.0 RESPONSIBILITIES

- 6.1 CBOH HR is responsible for issuing and updating procedures to implement this policy.
- 6.2 It shall be the responsibility of the CBOH to minimize the occurrence of overtime work to the extent practicable.
- 6.3 It shall be the responsibility of the supervisor to enforce this policy.
- 6.4 It shall be the responsibility of the employee to comply and ensure less disruption to the operations of the department.

## 7.0 PROCEDURES

### 7.1 ELIGIBILITY

- 7.1.1 When non-exempt employees actually work more than 40 hours during a work period, the provisions of the Fair Labor Standards Act apply.

### 7.2 APPROVAL

- 7.2.1 Overtime approval requests should be submitted to the supervisor for review and processing.

### 7.3 MANAGING TIME

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**7.3.1** Both the supervisor and non-exempt employee are responsible for monitoring the time that the employee is in pay status. If it appears that a non-exempt employee will exceed 40 hours in pay status during the work week, the supervisor has the following options available in managing compensatory time:

**7.3.1.1.** The employee's schedule may be adjusted by the supervisor by scheduling time off for the employee prior to the end of the work week to avoid the accrual of compensatory time.

**7.3.1.2.** If accrued leave was used during the work period, the amount of leave charged may be adjusted by the supervisor, if the adjustment is made prior to the end of the work week and if the adjustment will not result in the employee forfeiting accrued leave or losing personal leave. The employee must be advised of any adjustments made to their leave.

**7.3.1.3.** Allow the employee to accrue compensatory time.

**7.4 RECORD KEEPING**

**7.4.1** Employees are required to keep accurate records of all time worked.

**7.4.2** Managers are required to frequently review within established timelines and approve records of time worked.

**7.4.3** The official record of the accrued compensatory time for employees who earn compensatory time are to be maintained by the CBOH or District HR.

**7.4.4** Records of compensatory time are to be kept for a three (3) year period by CBOH, or as required by the State of Georgia Records Retention Policy.

For additional information or assistance, please contact HR.

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## 8.0 REVISION HISTORY

REVISION #	REVISION DATE	REVISION COMMENTS
0	April 27, 2012	Initial Issue
1	October 16, 2016	Annual Review and update. Reformat to new template.
2	March 29, 2017	Annual Review and update.
	July 18, 2018	Annual Review
3	June 2, 2020	Annual Review. Revision of 4.2, 4.5, 4.13.2, 5.2, 6.1, 7.4.3, 7.4.4, 8.0 and 9.0

## 9.0 RELATED FORMS

- OPB Policy Memorandum – Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time*
- Appendix 1 – Exemption of Executive, Administrative, Professional, and Computer Employees Under the FLSA*
- Appendix 2 – FLSA Acknowledgment Form*
- Appendix 3 – Definition of Hours Worked*
  
- HR-03427A - Compensatory Time Approval Request*



**EXEMPTION OF EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER  
EMPLOYEES UNDER THE FLSA**

The exempt or non-exempt status of any particular employee must be determined on the basis of whether duties, responsibilities and salary meet the requirements for exemption. The employee's title or classification is of no significance in determining whether the tests are met.

It is the responsibility of the Agency Head, or their designee, to determine whether any exemption is applicable to particular employees.

Following is an outline of the terms and conditions to be followed in determining those employees exempt from the overtime provisions of the Fair Labor Standards Act.

**Executive Employees**

An employee is exempt as an executive, if he meets all these conditions:

- primary duty is management of an agency, institution or school, or a customarily recognized department or subdivision (i.e. a unit of permanent status and function thereof)
- customarily and regularly directs the work of two or more full-time employees or their equivalent (80 hours total)
- has authority to hire or fire, or his suggestions on hiring, firing, promotions or changes of employees' status carry particular weight
- exercises discretion and independent judgment in significant matters in carrying out the position's responsibilities
- is paid on salary basis at a rate of at least \$455 a week (\$23,660 annually), exclusive of board, lodging or other facilities

**Primary Duty and Management** – The policy requires that the primary duty of an executive employee must be management.

“Primary duty” means the principal, main or most important duty or responsibility of the employee.

Managerial duties take into consideration the frequency of the employee's use of discretion and relative freedom from supervision.

These are some of the functions that come within the scope of management: Interviewing, selecting and training of employees; setting and adjusting rates of pay and hours of work; directing work; maintaining production records for use in supervision or control; appraising productivity and efficiency for recommending promotions or other changes in status; handling complaints; disciplining employees; planning work; determining work techniques, controlling the flow and distribution of materials and supplies; and providing for the safety of workers and property.

If the executive employee is in charge of a division, rather than of the entire department, the division must be formally established, not simply a group of employees signed to a job. Usually, the division has a title, like “Shipping Division,” or “Accounting Division.”

**Supervision of Other Workers** – An executive employee must direct the work of two or more employees, that is, he must direct at least two full-time workers or the equivalent. For example, the test would be met if the employee directs (a) one full-time and two part-time workers, if total is 80 hours, one of whom works mornings and the other afternoons, or (b) four part-time workers two of whom work mornings and the others afternoons.

The workers who are supervised must be employed in the department or sub-division that the executive employee is managing.

Moreover, an executive employee must be directly concerned either with the hiring or the firing and other change of status of the employees under this supervision, whether by direct action or by recommendation to those delegated to hire and fire.

**Salary Requirement** – Salaries paid monthly or semi-monthly that are equivalent to \$455 a week (\$23,660) are within the requirement. However, the shortest period of payment that will meet the requirement of pay on a salary basis is a week. Employees paid by the hour are not included in this exemption regardless of the fact that the amount paid them weekly far exceeds \$455; they are not paid on a salary basis. But a guarantee of \$455 a week in any week in which any work is performed may meet the salary requirement even though additional wages are paid on an hourly basis.

**Salary Basis** – Executive employees have to be paid on a salary basis to be exempt. The meaning of salary basis is most important. Salary basis means that the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of his compensation and the amount is not subject to reduction because of variations in the number of hours work in the workweek or in the quality or quantity of the work performed.

Work which tends to destroy the executive exemption is work which is not directly and closely related to his management duties. For example, although in a plant not large enough to employ a timekeeper or in which the timekeeping function has been decentralized, the supervisor of each department can keep basic time records of his own subordinates and count the work as management. The preparation of a payroll by a supervisor – even of the employees under his supervision would be non-management work because the preparation of a payroll does not aid the supervision of employees or the management of the department.

An executive employee may operate a machine for the purpose of instructing new employees without losing the exemption. Such work is considered a part of the supervisory duties and is exempt. But if he operates a machine to fill in time between supervisory duties or to assist other employees, such work is non-management work and could affect the issue of whether management is the employee's primary duty.

### *Administrative Employees*

An employee is exempt as an administrative employee, if he meets all these conditions:

- primary duty consists of performing office or non-manual work directly related to management or general business operations of the employer or its customers
- the primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
- is paid on salary or fee basis of at least \$455 a week(\$23,660 annually), exclusive of board, lodging, or other facilities

In general terms, administrative employees are sometimes referred to as staff (administration) rather than line (production) employees. "General business operations" refers to functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Examples of administrative employees may include credit managers, purchasing agents, buyers, safety directors, personnel directors, and labor relations directors.

Remember that a title alone is of little or no assistance in determining an employee's exempt or non-exempt status. The status of the employee should be determined on the basis of whether his duties, responsibilities and salary meet all the requirements of the regulations.

**Primary Duty** – To qualify for exemption as an administrative employee, an employee must have as his primary duty office or non-manual work directly related to management or general business operations of his employer or his employer's customers. This condition is met by employees who participate in the formulation of management policies or in the operation of the business as a whole. It applies to those employees whose work affects business operations to a substantial degree even though their assignments are only for a particular segment of the business.

**Discretion and Independent Judgment** – These terms are interpreted to mean the authority to make an independent choice, free from immediate supervision, in significant matters. They should not be confused with the use of skill in applying techniques, procedures, or specific standards.

**Matters of significance** – refers to the level of importance or consequence of the work performed. An employee does not exercise discretion and independence with respect to matters of significance simply because improper performance of the employee's duties may cause serious financial loss to the agency.

**Example 1:** Inspectors normally do specialized work along standardized lines involving well-established techniques and procedures that may have been catalogued and described in manuals or other services. These inspectors use skill rather than discretion and judgment.

**Example 2:** A shipping clerk is normally permitted to decide the method of packing and the mode of shipment of small orders, and a bookkeeper may decide whether he will post first to one ledger rather than another. These decisions do not deal with significant matters.

Decisions by an employee need not have a finality that goes with unlimited authority and a complete absence of review. It is alright for the decisions to consist of recommendations for action or to be subject to review.

**Salary Requirement –** The \$455 weekly (\$23,660 annually) salary requirement for administrative exemption is met if the employee is compensated bi-weekly on a salary basis of \$910, semi-monthly on a salary basis of \$985.83 or monthly on a salary basis of \$1971.66.

### *Professional Employees*

An employee is exempt as a professional employee, if he meets all these conditions:

- primary duty is work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment.
- the advanced knowledge must be in a field of science or learning, customarily acquired by prolonged specialized instruction, as distinguished from general academic education (doctors, lawyers, engineers, chemists, nurses, etc.). As an alternative to the above, the primary duty may be (a) work that is creative and original (artists, writers, musicians, actors, certain radio and television announcers, etc.) or (b) work as a teacher in an educational establishment with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge.
- is paid on salary or fee basis of not less than \$455 a week (\$23,660 annually). (This salary or fee requirement does not apply to an employee who is holder of valid license or certificate permitting practice of law or medicine, or in the case of interns or resident physicians, or employees employed and engaged as teachers in activities referred to in (b) above)

**Learned Profession –** The learned professions are described as those requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.

These points should be noted:

1. The phrase "customarily acquired by a prolonged course of specialized intellectual instruction" restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree.

2. However, the word "customarily" means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a

combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry.

3. The exemption does not apply to entire occupational groups regardless of the specific duties of the particular individual. For example, exemption of an accountant must be determined on the basis of the individual accountant's duties and other qualifications.

**Artistic Professions** – The requirements for the artistic type of professional work are that the work has to be original and creative in character in a recognized artistic field and the result of which must depend primarily on the invention, imagination, originality, or talent of the employee. This exemption includes such fields as music, writing, acting, and the graphic arts.

### *Computer Employee Exemption*

An employee is exempt under the computer employee exemption if the employee:

- is employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field with one of the following as the employee's primary duty:
  - 1) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
  - 2) the design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; or
  - 3) the design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
  - 4) a combination of the aforementioned duties, the performance of which requires the same level of skills.
- is compensated either on salary or fee basis at a rate not less than \$455 per week or is compensated on an hourly basis, at a rate not less than \$27.63 an hour.

Employees primarily involved in the manufacture or repair of computer hardware and related equipment do **not** qualify for the computer employee exemption. Employees whose work is highly dependent on computer software programs but not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations are also **not** eligible for the computer employee exemption.

*Highly Compensated Employee Exemption*

**Highly Compensated Employees – Employees that perform office or non-manual duties and are paid a total annual compensation of \$100,000 or more (which must include at least \$455 per week paid on a salary or fee basis) and regularly perform at least one of the duties of an exempt executive, administrative or professional employee as identified in the exemption tests specified in this document.**

## EXECUTIVE EXEMPTION CHECKLIST

1. Does the employee receive a salary of at least \$23,660 annually (\$455 per week)?

Yes – go to #2

No – Not executive exempt (go to Administrative or Professional Checklist)

2. Is the employee's primary duty - the management of a customarily recognized sub-division of the department?

Yes – go to #3

No – Not executive exempt (go to Administrative or Professional Checklist)

3. Does the employee customarily and regularly supervise two or more full time employees?

Yes – go to 4

No – Not executive exempt (go to Administrative or Professional Checklist)

4. Does the employee have the authority to hire or fire other employees or are the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees given particular weight?

Yes – Exempt - Executive

No – Not executive exempt (go to Administrative or Professional Checklist)

**PROFESSIONAL EXEMPTION CHECKLIST**

1. Does the employee receive a salary (or fee basis pay) of at least \$23,660 annually (\$455 per week)?

Yes – go to #2  
 No – Not executive, professional or administrative exempt.

2. Is the employee's primary duty that of a professional either in (a) a learned profession or (b) an artistic profession? (see commentary for definitions)?

Yes – go to #3  
 No – Not professional exempt (go to Executive or Administrative Checklist)

3. Is the employee's work primarily intellectual and does it require the consistent exercise of discretion and judgment?

Yes – Exempt – Professional  
 No – Not professional exempt (go to Executive or Administrative Checklist)



### ADMINISTRATIVE EXEMPTION CHECKLIST

1. Does the employee receive a salary (or fee basis pay) of at least \$23,660 annually (\$455 per week)?

Yes – go to #2

No – Not executive, professional, or administrative exempt

2. Is the employee's primary duty office or non-manual work directly related to management policies or general business operations of the employer or the employer's customers?

Yes – go to #3

No – Not administrative exempt (go to Executive or Professional Checklist)

3. Does the employee exercise discretion and independent judgment in significant matters?

Yes – Exempt – Administrative

No – Not –administrative exempt (go to Executive or Professional Checklist)

### COMPUTER EMPLOYEE CHECKLIST

1. Does the employee receive a salary of at least \$455 per week (\$23,660 annually) or an hourly rate of at least \$27.63 or more?

Yes – go to # 2  
 No - Not Computer exempt

2. Does the employee work as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field performing one of the following as the employee's primary duty:
- The application of systems analysis techniques and procedures, including consulting with users to determine hardware, software or system functional specifications;
  - The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
  - The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
  - A combination of the aforementioned duties, the performance of which requires the same level of skills.

Yes - Computer Employee Exemption  
 No - Not Computer exempt

The computer employee exemption does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in the primary duties test described above, are also not exempt under the computer employee exemption.



## DESIGNATION OF WORK PERIOD AND FLSA ACKNOWLEDGMENT FORM

Appendix 2

<b>Employee Name:</b>	<b>Effective Date:</b>
<b>Employee Title:</b>	<b>Employee ID #:</b>
<b>Supervisor Name:</b>	<b>Supervisor Title:</b>
<b>Division:</b>	<b>Section:</b>

<b>FLSA Category</b>	Non-exempt - Hourly
	Non-exempt - Salaried
	Exempt – Administrative
	Exempt – Computer Professional
	Exempt - Executive
	Exempt - Professional

<b>Beginning Work Period:</b> <i>(Day of Week and Time)</i>	<b>Ending Work Period:</b> <i>(Day of Week and Time)</i>
<b>Employee's Work Schedule:</b> <i>(Beginning Time and Ending Time)</i>	<b>Length of Meal Period:</b> <i>(30, 45 or 60 minutes)</i>

I do hereby acknowledge and understand that, as part of the terms and conditions of my employment with the District 2 Public Health, I may be required to work more than 40 hours in a work period.

I understand that all overtime for non-exempt employees and all state compensatory time for all employees must be pre-approved by the Office of Human Resources. Employees who use unapproved overtime and/or unapproved state compensatory time will be subject to disciplinary action.

I further understand that, if I am non-exempt under FLSA, I will receive FLSA compensatory time at the rate of time and one-half for overtime worked, in lieu of overtime payment. And I must sign-in and sign-out recording the minute that I begin work, take meal periods and leave work each day.

I understand that at all times I must maintain an accurate and truthful record of my worked hours each day and each work period on my leave record.

<b>Employee's Signature:</b>	<b>Date:</b>	
<b>Supervisor's Signature</b>	<b>Date:</b>	

*Note: All employees are to complete this form. Only FLSA non-exempt employees are entitled to FLSA compensatory time for overtime worked. FLSA exempt employees are not entitled to FLSA compensatory time.*



## COMPENSATORY TIME APPROVAL REQUEST

HR-03427A

<b>SUPERVISOR NAME:</b>	<b>SUPERVISOR TITLE:</b>
<b>DIVISION:</b>	<b>SECTION:</b>
<b>LENGTH OF PROJECT OR ASSIGNMENT</b>	
<b>FROM:</b>	<b>TO:</b>
<b>DESCRIPTION OF PROJECT OR ASSIGNMENT</b>	

NAME OF EMPLOYEES	EMPLOYEE ID	FLSA STATUS		# OVERTIME HOURS REQUESTED	OVERTIME	
		EXEMPT	NON-EXEMPT		\$ TOTAL PAY	# HRS COMP

I recommend approval of compensatory time for the employee(s) named above.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

OFFICE OF HUMAN RESOURCES APPROVAL			
<b>APPROVED</b>	<b>REASON:</b>		
<b>DISAPPROVED</b>			
<b>HR MANAGER SIGNATURE:</b>		<b>DATE:</b>	

### ***DEFINITION OF HOURS WORKED***

An employee must be compensated properly for all “hours worked” for the employer. Generally, all time spent on the employer’s premises or at a designated work place is hours worked when the employee is required or permitted to perform services of benefit to the employer, except for meal periods of at least thirty minutes or other periods when the employee is entirely free from duty. Also included in hours worked is any work which the employee performs for the employer’s benefit outside of work hours on or off the employer’s premises. Unrecorded hours worked during a workweek by an employee at the job site or away from it must be counted as hours worked if the employer knows or has reason to believe that the work is taking place. It is not sufficient to have a policy against working outside official work hours. The employer must enforce his no-work rules and may not accept the benefits of the work without compensating for them.

Time spent by employees that is counted as hours worked lends itself to two categories: (1) time spent during regular working hours and (2) time spent before, after, or between regular working hours. Under each of these categories are activities that are work time and those that are not work time. The following listing is not all-inclusive but may be useful as a guide in determining the nature of hours worked.

## ***TIME SPENT DURING REGULAR WORKING HOURS***

### **Work Time**

- Charitable work requested or controlled by employer
- Fire Drills
- Time spent by an employee presenting and processing his own personal grievance through the established grievance procedure
- Meal periods (1) if employees are not free from active or inactive performance of duties; (2) if too short to be useful to employees (1/2 hour usually required)
- Job-related medical attention during work hours at employer's direction
- Principal activities
- Rest periods of 20 minutes or less
- Sleeping time if tour of duty is less than 24 hours
- Stand-by time (1) during lunch periods; (2) during work shutdowns
- Training programs required by employer
- Traveling during work hours (1) from one work site to another; (2) out of town; (3) when required to perform work
- Waiting (1) by truck driver standing guard during loading; (2) for work after reporting time; (3) while on duty

### **Not Work Time**

- Meal periods involving no duties and lasting ½ hour or longer
- Medical attention which is not job related
- Sleeping time up to 8 hours if tour of duty is 24 hours or longer
- Absences
- Paid leave time (1) Vacation time; (2) Military training leave; (3) Sick leave time; (4) Holidays not worked; (5) Jury duty time; (6) Compensatory time off; (7) Voting time
- Waiting after relieved from duty or for definite length of time useful to employee

***TIME SPENT BEFORE, AFTER OR BETWEEN REGULAR WORKING HOUR***

**Work Time**

- Caring for tools if a part of principal activities, such as meat cutters sharpening knives.
- Changing clothes if required by nature of work.
- Cleaning and oiling machinery.
- Distribution work.
- Emergency work
- On-call time where employee cannot use the time effectively for his or her own purpose.
- Preparatory work if a part of principal activities.
- Shift-change work problems
- Training in regular duties at employer's direction to increase efficiency
- Traveling (1) out of town on one-day assignment; (2) between work site and place of employment when making an extra call; or (3) as a driver when required by the employer to drive a vehicle on an overnight trip.
- Washing up or showering if required by nature of work.
- Preparing formal employee suggestions.

**Not Work Time**

- Changing clothes if at the employee's convenience
- Homework of which employer has no knowledge or no reason to know
- On-call time where employee merely leaves telephone number or carries a paging device.
- Putting away tools if reasonable time is allowed therefore during regular hours.
- Resident on employer's premises when not on duty.
- Suggestions of a casual nature.
- Training program voluntarily attended, outside of working hours, unrelated to regular duties, and involving no productive work.
- Traveling (1) from home to airport or other terminal; (2) from home to work site and vice versa; or (3) on overnight trips as a passenger outside of regular working hours (except while performing duties).
- Unauthorized overtime if prohibited and without employer's knowledge or reason to know.
- Volunteer work. (1) If for the same public agency where employed, volunteer work which is not the same type of services performed during normal employment. (2) Volunteer work for a different public agency with which the department has a mutual aid agreement.
- Waiting (1) in pay check lines; (2) to check in or out; (3) to start work at designated period
- Washing up or showering under normal conditions.