



OVERTIME, COMPENSATORY TIME OFF, TRAINING, AND TRAVEL TIME POLICY for HOURLY (NON-EXEMPT) EMPLOYEES

Supersedes: July 15, 2013

Date Approved: June 13, 2016

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The City of Duluth is committed to fairly compensating its employees for Hours Worked in compliance with both the federal and Minnesota Fair Labor Standards Act (FLSA & MFLSA). The FLSA & MFLSA classify employees into two main categories, Exempt and Non-Exempt; this determines the positions that are eligible for Overtime Pay when certain criteria are met. The City’s collective bargaining agreements (“CBAs”) may provide for Overtime Pay in circumstances not required under either the FLSA or MFLSA. In those instances, the terms of the CBA shall govern. Failure to follow this policy and to correctly record and verify Hours Worked by any employee, may result in disciplinary action.

Definitions

Fair Labor Standards Act (“FLSA”): 29 U.S.C. §201-219.

Minnesota Fair Labor Standards Act (“MFLSA”): Minnesota Statutes Sections 177.21 to 177.35.

Position Designation: Determination of Exempt or Non-Exempt status based on an analysis of the position’s duties and responsibilities, nature of work, conditions of employment and criteria set forth in the FLSA and MFLSA and related rules and regulations.

Exempt Employee: An employee holding a position not covered by or subject to the Overtime Pay requirements and regulations of the FLSA, MFLSA, and City’s CBAs.

Non-Exempt (Hourly) Employee: An employee holding a position covered by and subject to the Overtime requirements and regulations of the FLSA, generally including those of a clerical, technical, or service nature as defined by the FLSA.

Hours Worked: Hours actually worked by an employee, including employer-approved paid breaks of 15 minutes or less. Hours Worked generally includes time when employees are required to be on duty or at the employer-prescribed work site. Additionally, the City’s CBAs include types of paid time off that must be considered Hours Worked for purposes of daily, weekly, and/or pay period Overtime Pay calculations.

Compensatory Time Off (in Lieu of Overtime Pay): Approved time off generally in lieu of Overtime Pay for irregular or occasional Overtime work. Approved Compensatory Time Off (in Lieu of Overtime Pay) shall be granted at one and one-half (1.5) the number of hours of Overtime Worked. Other types of Compensatory Time Off may be granted at different rates per applicable collective bargaining agreements.

Supervisor: Chief Administrative Officer, Department Head, Division Head, Immediate Supervisor, and/or their designee (i.e. Leadworker).

Work Site: Location at which the employer has directed the employee to perform work.



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I. Overtime Scheduling and Carryover

1. Overtime shall be held to a minimum, consistent with the needs of the City and service to all citizens. Each Department shall be responsible for exhausting other alternatives prior to assigning Overtime work. Overtime work shall only be authorized in the event of an emergency or when service demands result in no other reasonable alternative. Careful oversight must be exercised by supervisors who authorize Overtime work. Employees shall not work beyond their scheduled shift(s) without the prior approval of their Supervisor.
2. AFSCME Basic Unit employees working voluntary overtime assignments that continue into another day (11:59 p.m. – 12:00 a.m.) or work week (Saturday night – Sunday morning) shall continue to receive overtime compensation for that assignment until completed or their regularly scheduled shift begins, whichever occurs first.

II. Working Time Limitations

1. Employees shall not work prior to or following their scheduled hours of work unless directed to do so by their Supervisor.
2. Employees working beyond their scheduled shift(s) must be compensated, but are subject to discipline.
3. Employees shall not take work home or work while at home unless directed to do so by their Supervisor.
4. Employees shall not work during any Meal Break except with approval of their Supervisor.

III. Travel Time

Employee travel shall be conducted during regularly scheduled work hours whenever possible. Employee travel outside regularly scheduled work hours must be pre-approved by the employee's supervisor. Whenever possible, employees shall carpool.

1. Travel time from home to work before the regular work day and from work to home at the end of the regular work day is generally not considered Hours Worked. This is true even when employees are driving a City vehicle.
2. Travel time from Work Site to Work Site during the normal workday is considered Hours Worked. Travel time from home to the first Work Site of the day and from the last Work Site of the day to home is not considered Hours Worked. This is true even when employees are driving a City vehicle.
3. If the Employer requires employees to pick up and/or drop off a City vehicle at a location other than the regular Work Site that location is considered a Work Site, and time spent driving from and to that location are considered Hours Worked.
4. Travel time from home to work in emergency situations outside of normal working hours is not considered Hours Worked when employees travel to their regular Work Site prior to reporting to the emergency Work Site. When possible, employees shall be required to first report to their regular Work Site in these situations.



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5. When possible, travel to attend an approved seminar or training session shall be scheduled during regularly scheduled work hours. When this is not possible, and upon Supervisor approval, the following shall apply:
 - a. Time actually spent at the seminar or training session, and the time spent traveling to and from the seminar or training session shall be considered Hours Worked. The employee's normal commute time to and from home to work shall be deducted from the total.

IV. Training Time

1. Supervisor-approved attendance at lectures, meetings, training programs and similar activities are compensable Hours Worked when one or more of the following criteria are met:
 - a. Attendance is during regular working hours;
 - b. Attendance is required by the Employer;
 - c. The course, lecture, or meeting is directly related to the employee's job and necessary in order to perform current job duties; or
 - d. The employee is concurrently performing other work for the Employer while attending the training.
2. Time spent attending Employer-required training is normally considered compensable Hours Worked. The following time is not compensable Hours Worked:
 - a. Time spent by an employee who, on his/her own initiative, attends an independent school or training program after working hours, is not considered Hours Worked.
 - b. An employer may establish a program of general instruction for its employees which corresponds to courses offered by independent institutions of learning. If such training may be a condition or practice of an employee's profession, but cannot be tailored to meet the specific needs of the employer, then voluntary attendance at such course outside of working hours would not be Hours Worked even if they are directly related to an employee's job and/or are paid for by the employer.
 - c. Attendance outside of regular working hours at specialized or follow-up training, which is required by law for certification within a particular government jurisdiction (e.g., certification for emergency rescue workers), even if the training is paid for by the employer, is not Hours Worked.
 - d. Attendance outside of regular working hours at specialized or follow-up training, which is required for certification of employees where a State or county law imposes a training obligation on City employees, even if the training is paid for by the employer, is not Hours Worked.



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V. Recordkeeping

1. All actual work time shall be recorded on time records by the employee and shall be verified by the employee and the Supervisor. Any employee working an approved flexible schedule must record the actual Hours Worked each day.
2. Supervisors shall notify the Payroll Division of flexible schedule agreements.
3. All Supervisors are responsible for reviewing and verifying employee time records for accuracy.
4. The Payroll Division is responsible for ensuring appropriate recordkeeping systems are in place to comply with FLSA requirements.
5. Employees who intentionally falsify time records, Supervisors who knowingly approve falsified time records, and timekeepers that knowingly process falsified time records are subject to disciplinary action.

VI. Overtime/Compensatory Time Off Payment

1. Overtime payments shall be made on the paycheck covering the pay period in which the Overtime was actually worked.
2. Compensatory Time Off shall be approved per the terms of the applicable CBA. In most cases, to maintain productivity levels, Overtime Pay shall be granted instead of approving Compensatory Time Off.
3. An employee's request to use Compensatory Time Off shall be granted at the discretion of the manager within a reasonable period after making the request if the use of the Compensatory Time Off does not unduly disrupt the operations of the Department as determined by the manager. The manager shall not grant such requests automatically, but shall base each decision on the effect allowing the time off would have on Department operations. Whether a request to use Compensatory Time Off has been granted within a reasonable period will be determined by considering the customary work practices within the Department based on the facts and circumstances in each case. Such practices include, but are not limited to:
 - 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.
4. Accrued Compensatory Time Off balances that exist at the end of the day on December 31 of each year shall be converted to cash and either paid to the employee or deposited into the employee's post employment health care savings plan account per the employee's applicable collective bargaining agreement.