

 Metro | *Policies and procedures*

Subject Overtime
Section Human Resources
Approved by MERC Commission

EXCERPT FROM MERC PERSONNEL POLICIES (2007)

Policy is under review. Numbering has been changed from original manual; content is from former Sections 16.10 – 16.12, MERC Personnel Policies (2007).

OVERTIME

1. Overtime – Non-represented Non-exempt Employees

- a. At a minimum the Commission shall pay overtime rates in accordance with applicable law with regard to payment of overtime wages. The Commission may choose to exceed the law.
- b. No overtime shall be worked by non-exempt employees without the prior approval of the department head or their designee.
- c. Overtime shall be paid at the rate of time and one-half (1 1/2) for the time actually worked in excess of the regularly scheduled forty (40) hours in one week. The workweek for MERC staff begins at 12:00 a.m. Thursday and ends at 11:59 p.m. on Wednesday.
- d. For the purpose of computing overtime, hours worked shall include only time actually worked by the employee, and shall not include holiday pay, vacation pay, sick pay, compensable on-the-job injury pay, or leaves of any type.

2. Overtime – Represented Non-exempt Employees

For represented non-exempt employees, the Commission shall pay overtime rates in accordance with applicable law or as required by the applicable collective bargaining agreements, whichever is greater.

3. Exempt Employees

- a. Exempt employees are not subject to overtime pay. It is understood that an exempt employee may have to work on occasion beyond business hours and that extra work hours beyond the usual workday or workweek are part of the job expectations for an exempt employee. Time worked on a holiday may be taken at a later date upon the approval of the supervisor.

- b. At the department head's discretion, some unrecorded personal time off may be utilized to accommodate a reasonable balance of flexible working hours. Recorded time off is not appropriate.
- c. The Commission expects that exempt employees will fulfill their position responsibilities and that their work performance will be evaluated by overall results, rather than merely by the number of hours worked. For this reason, infrequent absences of less than a half-day by an exempt employee that do not negatively impact expected work performance and productivity will not be tracked or covered through the use of leave accruals.

However, when an exempt employee has an absence of four hours or more, such absence should be covered through the appropriate leave accruals. Absences of less than a full day in cases where there are not available leave accruals must not result in salary reduction, and supervisors and exempt employees should explore options available to meet productivity expectations, such as flexing a particular week's schedule. Absences of a full day or more, where there are no available leave accruals, may result in reduction in salary earned for that pay period when authorized by the Facility Director or designee.

- d. Exempt employees are expected to complete their job in whatever amount of time it takes. If an exempt employee routinely completes their work in less than 40 hours a week their workload maybe adjusted by the supervisor, manager or Facility Director.

Excessive absences may indicate a work performance problem that should be addressed through performance evaluation and, if necessary, the disciplinary process.

- e. In accordance with law, exempt employees may not be suspended without pay except in increments of one week or more.