

# Policies



<b>Subject</b>	Overtime
<b>Section</b>	Human Resources
<b>Approved by</b>	Andrew Scott, Interim Chief Operating Officer
<b>Approved on</b>	January 1, 2020
<b>Replaces</b>	Overtime for Metro (Non-MERC) Employees adopted February 1, 2017 and Overtime approved by MERC Commission (2007)

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Policy Purpose: Overtime for all Metro employees will comply with state and federal laws.

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## Policy

1. Overtime for non-exempt employees:
  - a. Represented, non-exempt employees
    - i. For represented, non-exempt employees, Metro shall pay overtime rates in accordance with applicable law or as required by the applicable collective bargaining agreements, whichever is greater.
  - b. Non-represented, non-exempt employees
    - i. No overtime shall be worked by non-exempt employees without the prior approval of the employee’s supervisor.
    - ii. 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.
    - iii. For MERC Employees: Overtime shall be paid at the rate of time and one-half (1½) the employee’s regular rate of pay for any time worked in excess of the regularly scheduled forty (40) hours in one workweek. For the purposes of calculating overtime the workweek is Monday at 12:01 a.m. through Sunday at midnight for all Metro employees.
    - iv. For Non-MERC Employees: Overtime shall be paid at the rate of time and one-half (1½) the employee’s regular rate of pay for any time worked in excess of the regularly scheduled forty (40) hours in one workweek or eight (8) hours in a work day.
      1. An employee may request flexible scheduling which permits occasional modification of hours of work on a case-by-case basis. The purpose of this flexibility is to allow employees the ability to adjust the hours of a work shift or work week, in exchange employees waive their right to overtime after 8 hours per day. Such a modification is not automatic and is subject to approval of the supervisor and should be

formalized in a memo format provided by HR. Utilization of flexible scheduling must meet the following criteria:

- a. The employee request(s) for flexible scheduling must be submitted to the supervisors at least twenty-four (24) hours in advance and in writing or by e-mail, unless the supervisor waives this requirement.
  - b. Not exceed four (4) hours variance per day
  - c. Not negatively impact the employee or Metro's business needs.
  - d. Not impede customer service or normal work process.
  - e. Not exceed 40 hours in a work week.
  - f. Not generate additional labor costs or overtime.
  - g. It must be voluntarily requested by the employee, not at the request of supervisor or manager. This is intended as a means of providing flexibility in scheduling if mutually agreed upon, not as a means of avoiding overtime payments an employee would otherwise earn.
- c. Employees are responsible for reviewing their timecard each pay period to ensure it accurately reflects time worked in accordance with this policy and/or respective collective bargaining agreement.
  - d. Overtime will be paid even if it is unauthorized. However, an employee may be subject to discipline for unauthorized overtime. Consideration will be given to the circumstances that led to the unauthorized work. Failure to obtain prior authorization may be excused if it was not feasible to obtain advance approval due to an emergency or other unanticipated circumstances and the employee reasonably believed the unauthorized work was necessary for Metro's business needs.
2. Compensatory time for non-exempt employees:
- a. A supervisor and a non-exempt employee may agree that the employee will receive compensatory time off in lieu of overtime payment. This must be tracked in the timekeeping record system. The compensatory accrual balance will reflect the 1 ½ times calculation after payroll has been processed and on payday in Kronos.
  - b. Compensatory time off will be calculated at a rate of 1½ times the amount of overtime actually worked (i.e. if someone works 1 hour overtime, the employee will receive 1.5 hours of time off). The compensatory accrual balance will reflect the 1 ½ times calculation after payroll has been processed and on payday in Kronos.
  - c. Compensatory time off must be taken as leave by the end of the fiscal year in which it is earned or it will be paid out.
  - d. Payment for compensatory time will be at the employee's regular rate of pay at the time the leave is taken or payment is made.