



Medina County Policy Manual



Policy: Overtime Compensation	Section: Pay Practices	Number: 3.025
Issued: 09/17/07	Reviewed/Revised:	Page #: 1 of 4

FLSA of 1938

ORC 325.17, 325.19, 124.18

A. NON-EXEMPT EMPLOYEES

Non-exempt employees are those employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). If you have any questions concerning your overtime eligibility you should contact the Human Resources Department.

For purposes of this policy, 12:00 a.m. Sunday to 11:59:59 p.m. Saturday shall constitute the seven (7) day week.

1. When overtime work cannot be avoided, employees will be compensated as provided in the FLSA and Ohio Revised Code.
2. If overtime is required, the authorization of the Department Head or the employee's direct supervisor is required. Failure to get authorization for overtime does not preclude the payment of overtime. However, absent pre-approval, disciplinary action may be taken for unapproved overtime worked.
3. In an emergency situation, if the Department Head or the employee's direct supervisor cannot be reached for prior approval, overtime may be worked without authorization. However, the situation must be recognized as an emergency by the employee's supervisor.
4. For overtime calculation, only those hours in 'active pay" status, including vacation, holidays and personal days, shall be considered as time worked toward the forty (40) hour threshold. Sick hours are not included in meeting the forty (40) overtime threshold in the work week. Sick hours are considered "inactive pay" status (non-productive) and are not included in the calculation of overtime.

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5. Scheduled overtime that is subsequently canceled and not worked will not entitle the employee to any overtime compensation. Only overtime actually worked is compensable.
6. Overtime compensation will be calculated as follows:
 - a. Time worked over forty (40) hours in a work week (*seven (7) consecutive twenty-four (24) hour periods or workdays beginning at 12:00 Midnight Sunday and ending at 11:59:59 p.m. on the next Saturday*) will be paid at one and one-half (1 1/2) times the employee's regular rate of pay.
 - b. Overtime compensation shall be based upon the employee's hourly rate of pay plus any applicable pay supplements.
7. When an employee is required or permitted to attend a meeting, conference, or time spent traveling to and from a training session that cuts across the employee's normally scheduled work hours, and time actually spent in meeting sessions will be considered time worked for the purpose of calculating overtime, except that non-working meal time and the employee's normal commuting time will not be considered time worked.

Time spent to attend a training program is **not** considered time worked if all of the following conditions are met:

- a. the employee's attendance occurs outside of his regular working hours; and
 - b. the employee's attendance is voluntary; and
 - c. the employee does no productive work while in attendance; and
 - d. the program, meeting, or lecture is not directly related to the employee's job.
8. A part-time employee will not receive overtime compensation for hours worked more than his/her regularly scheduled hours until the total hours worked in a work week exceed forty (40) hours.

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9. Any full time employee required to work on one of the recognized holidays is entitled to receive compensation at the rate of one and one-half (1½) times their usual rate of pay, in addition to receiving their regular holiday pay, if applicable.

The premium rate of pay (1½ x the single rate) paid for working the holiday shall not be considered in determining an employee's regular rate of pay for the purposes of calculating overtime compensation (i.e., pyramiding of overtime is not permitted).

10. It is the policy of the County that overtime be distributed as equally as possible among employees by consideration of classifications, seniority, and qualifications of those employees who normally perform such work.
11. The County may designate employees who may not exceed forty (40) hours per week. Any time worked over the daily regularly scheduled hours shall be taken off during the same work week that it is worked. For purposes of this policy, 12:00 a.m. Sunday to 11:59:59 p.m. Saturday shall constitute the seven (7) day week.
12. Any time worked over the daily regularly scheduled hours may be taken off within the same reporting week that it is worked as determined by the supervisor/director. For purposes of this policy, Sunday through Saturday shall constitute the reporting period.
13. Re-scheduling of staff by the Department Head may be initiated to avoid payment of overtime.

B. COMPENSATORY TIME

1. The County may allow an employee to elect to accumulate compensatory time in lieu of receiving overtime pay whenever such employee works in excess of forty (40) hours during the work week. Compensatory time is earned at the rate of one and one-half (1½) hours for each overtime hour worked.
2. The employee must note on their time sheet whether he/she wishes compensation in the form of wages or compensatory time. Failure to note compensatory time on the time sheet will result in overtime compensation in the form of wages.

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3. The County has established an 80 hour cap on the accumulation of compensatory time. Hours earned in excess of this limit shall be paid.
4. The use of compensatory time must be scheduled at a time mutually satisfactory to the employee and the Employer.

C. EXEMPT EMPLOYEES

1. Employees may be exempt from the minimum wage and overtime provisions of the FLSA if: 1.) they meet certain criteria for administrative, professional, or executive employees; and 2.) are treated as salaried employees.
2. Exempt employees are paid on a salary basis. Situations in which exempt employees are required to work more than forty hours shall not normally result in compensatory time or additional compensation. Exceptions must be approved in writing by the Commissioners in consultation with the County Administrator and/or the Director of Human Resources.