



## ARTICLE IX FAIR LABOR STANDARDS ACT AND OVERTIME POLICY

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### I. POLICY:

It is the policy of the Town of Selma to abide by all applicable sections of the Fair Labor Standards Act along with the Fair Labor Standards Amendments of 1985. Under such implementation, the Town of Selma will properly record all applicable overtime accrued for each covered employee.

### II. PROVISIONS:

This policy shall be applicable to all employees of the Town of Selma who are covered under FLSA provisions to the extent applicable to the Town of Selma.

Employees of the Town are expected to work during all assigned periods exclusive of bona fide breaks, mealtimes, or unscheduled hours, unless they receive approval from their immediate Supervisors. Employees can be requested, and may be required, to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head, Town Manager, or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall determine and recommend to the Town Manager which jobs are "non-exempt" and are therefore subject to FLSA in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

**Non-Exempt Employees.** Employees are expected to work during all assigned periods, exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their Department Head or supervisor, or except in cases of emergency.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 147 hours in a 24-day work period for law enforcement; 212 hours in a 28-day work period for firefighters). Hours worked beyond the FLSA established limit will be compensated at a rate of one and

one-half the employee's regular rate of pay for each hour over (40) in any given workweek by non-exempt employees.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, holidays, or administrative leave be included in the computation of hours worked for FLSA purposes. "Overtime" is a term of art under the FLSA and may only be used to designate time-and-one-half of the employee's regular rate of pay when they have physically worked more than 40 hours in a workweek.

*The Selma Fire Department will operate under a sleep time agreement between the employer and all employees working a regularly scheduled 24-hour shift as outlined in the United States Department of Labor Fair Labor and Standards Act 29 C.F.R. Special "7(k) Work Periods".*

*All employees of the Selma Fire Department will be paid at their agreed upon hourly rate for the hours between 7 am and 11 pm. The hours between 11 pm and 7 am will be deemed Sleep Time. Only the hours from 7 am – 11 pm shall be logged on time sheets. Shift personnel will be guaranteed 5 hours of sleep time each night but not necessarily consecutive hours. All time that sleep is interrupted during the sleep time period, or any other work performed outside of the normal shift, will be recorded on the biweekly time sheet. When 5 hours of sleep is not available, then all 8 hours of the sleep time will be recorded. Payroll will keep a log of all hours. At the end of the 28 day pay period, if hours worked are over 212, then all hours will be paid. Any hours in excess of 212 hours will be paid at the overtime rate of the employee.*

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be compensated in accordance with FLSA.

Compensatory leave balances may not exceed 240 hours except for public safety employees who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay.

In emergency conditions, when long and continuous work is required over multiple days, the Town Manager may approve special overtime compensation.

**Exempt Employees.** Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. Exempt employees may not accumulate compensatory time. Exempt employees may be granted personal time off during business hours when it is appropriate and when their duties allow, per prior approval from the Town Manager or respective Supervisor. Said personal time off

is not considered vacation, neither is it to be considered as compensatory time for time spent by Employee in carrying out his/her duties outside of normal office hours. The Town Manager or respective Supervisor will consider Employee's use of personal time off during his/her performance evaluation.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to time and one half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period, when authorized by the Town Manager or Town Council.

**Cemetery Employees.** Due to the scheduling of funeral services on the weekend and holidays, employees are required to be available to work during these times. Employees will work a rotating schedule to cover all obligations consistent with funeral preparation.

Cemetery Employees who are required to work on the weekend or a holiday to cover such events will receive compensation for hours worked at the FLSA rate. The Department Head is required to administer all leave.

Policy adopted by Selma Town Council

Effective Date: November 14, 2000

Amended August 11, 2015

Amended July 10, 2018

Amended November 10, 2020

*As of August 10, 2021, this policy replaces and supersedes any previous policies, or unwritten policies or practices covering the same subject.*