CITY OF SAN ANTONIO

Administrative Directive	**AD 4.13C Overtime Compensation under the Fair Labor Standards Act**
Procedural Guidelines	Guidelines to ensure consistent application of overtime compensation
Department/Division	Human Resources, Classification and Compensation
Effective Date	June 9, 1980
Revision Dates	10/1/83, 4/15/86, 9/7/91, October 1, 2008
Project Manager	Dan Williams, HR Administrator Charles Kesl, Sr. HR Analyst

Purpose

To insure compliance with the Fair Labor Standards Act (FLSA) as amended in 2007.

To insure a standardization of policy regarding the use and payment of overtime and to clarify the compensatory time (comp-time) off policy regarding the provisions of the FLSA.

To provide notice to all non-exempt employees of the City of San Antonio's (City) policy as regards overtime payment and compensatory time off.

This directive does not apply to those employees who are defined as exempt under the Fair Labor Standards Act, Chapter 29, Code of Federal Regulations, Part 553. This directive also does not apply to certified Firefighters or Police Officers governed by collective bargaining agreements.

Policy

It is the policy of the City to declare overtime compensation procedural guidance through the use of a standardized process.

Policy Applies To

☐ External & Internal Applicants	☒ Current Non-Exempt Temporary Employees
☒ Current Full-Time Non-Exempt Employees	☐ Current Volunteers
☒ Current Part-Time Non-Exempt Employees	☒ Current Grant-Funded Non-Exempt Employees
☐ Current Paid and Unpaid Interns	☒ Police and Fire Academy Trainees
☐ Current Full-Time Parks Police and Airport Police (known herein as law enforcement officers)	

Definitions	
Overtime	Overtime is defined by the Fair Labor Standards Act as time an employee actually works in excess of forty (40) hours within a workweek. The City of San Antonio has defined its workweek as beginning at 12:01 A.M. Saturday and ending at 12:00 Midnight Friday. Each workweek stands alone in the calculation of overtime Overtime is computed on all hours actually worked in excess of 40 for the entire workweek. Time off for paid or non-paid leave (annual, personal, military, injury, leave without pay, suspension, holiday, jury duty, etc.) during the workweek does not count in computing overtime hours. Work in excess of eight (8) hours during a regular work day is not considered overtime. Where employees are required to work hours in excess of their normal workday hours, departments may adjust work hour schedules for such employees during the remainder of that workweek.
Compensatory (Comp) Time	The 1985 amendments to FLSA authorize the use of comp-time up to 240 hours (160 FLSA overtime hours worked) for non-exempt employees who are working on activities other than Public Safety, Emergency Response, or seasonal activities. Accumulation of comp-time must be credited at time and one-half. That is, for every hour of FLSA overtime the employee must have his/her comp-time credited with one and a half hours. While the FLSA 1985 amendments authorize use of comp-time up to 240 hours (160 FLSA overtime hours worked), the City's policy shall be to allow a maximum accrual of comp-time in the amount of one-hundred and fifty (150) hours (100 FLSA overtime hours worked), and any overtime earned in excess of this maximum shall be compensated at the rate of time and one-half. As described in AD 4.4 Leave Administration, at the Department Director's discretion, non-FLSA related discretionary leave may be granted to non-exempt employees for participation in City sponsored events, for awards, or for other discretionary reasons.

Policy Guidelines	
Scheduling Overtime	The City of San Antonio reserves the right to direct and schedule overtime work when the City determines that necessity demands additional service. While overtime work will normally be on a voluntary basis, (overtime will not be worked without prior supervisory approval) the City may direct that employees perform overtime when the work situation dictates, with the scheduling of that overtime left to the discretion of the City.
Compensation for Overtime Worked	Eligible employees will be compensated for all overtime hours worked in excess of the forty (40) hour workweek at the rate of time and one-half. The department will determine whether the overtime earned will be paid in cash or in compensatory time off. Employees who transfer from one department to another shall be paid for all comp-time accrued prior to the transfer. Compensatory time off may be used as compensation for overtime work when it will not substantially reduce the operating efficiency of the department and will be computed at a rate of time and one-half for each overtime hour worked in excess of the forty (40) hour workweek. The maximum accrual of compensatory time will be one-hundred and fifty (150) hours (100 FLSA overtime hours worked). Employees who have reached the maximum accrual of one-hundred and fifty (150) hours of compensatory time are not eligible to receive additional compensatory time until their balance in below the maximum and must be paid in cash for any additional overtime worked. With the exception of Annual Leave in excess of 360 hours and Incentive Leave, employees must utilize accrued comp-time hours prior to other types of leave as outlined in Administrative Directive 4.4, Leave Administration. . In accordance with the FLSA, upon separation by an employee, payment for accrued compensatory time will be calculated at the average regular rate of pay for the last three (3) years of employment, or the last regular rate received by the employee, whichever is greater.
Compensation for Holidays Worked	The City will pay, in cash full-time employees who work an approved City Council holiday or alternate holiday at the rate of time and one half of and employee's normal rate of pay. This premium holiday pay is not required under the FLSA provisions.

Roles & Responsibilities	
Employees	It is the responsibility of each employee to adhere to assigned work schedules. At no time shall an employee work overtime without prior approval expressed through a schedule or otherwise approved by the department.
Human Resources	The Human Resources Department Classification and Compensation Division will be responsible for monitoring the policy, providing interpretations, and clarifying overtime and compensatory time off regulations under FLSA.
Departments	Each Department Director shall be responsible for ensuring compliance with this policy and maintaining accurate records of overtime and compensatory time earned for all non-exempt employees. Each Department shall use the City payroll/personnel system for record keeping of compensatory time, and insure that employee payroll check stubs accurately reflect compensatory time balances. Department Directors may establish written policies regarding the *mandatory use* of comp-time by employees. Departmental policies must be approved in writing by Human Resources Department Classification and Compensation Division.

This directive supersedes all previous correspondence on this subject and revises AD 4.48. Information and/or clarification may be obtained by contacting the Human Resources Department at 207-8334.

CITY OF SAN ANTONIO

EMPLOYEE ACKNOWLEDGMENT FORM
FOR

ADMINISTRATIVE DIRECTIVE 4.13C
Overtime Compensation Under the FLSA

Employee:

I acknowledge that on _____, 20____, I received a copy of Administrative Directive 4.13C Overtime Compensation Under the FLSA. I understand if I should have any questions I should contact my Human Resources Generalist.

_____	_____
Employee Name (Print)	Department
_____	_____
Employee Signature	SAP ID #