

# CITY OF SAN ANTONIO



<b>Administrative Directive</b>	<b>AD 4.13C Overtime Compensation under the Fair Labor Standards Act</b>
<b>Procedural Guidelines</b>	Guidelines to ensure consistent application of overtime compensation
<b>Department/Division</b>	Human Resources, Classification and Compensation
<b>Version Date(s)</b>	June 9, 1980; October, 1983; April, 1986; September, 1991; October, 2008; March 5, 2015
<b>Last Reviewed</b>	February 25, 2020
<b>Owner</b>	HR, Classification and Compensation Administrator

## Purpose

To ensure compliance with the Fair Labor Standards Act (FLSA). To ensure 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 it pertains to overtime payment and *comp 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, or to certified Uniformed Personnel 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

<input type="checkbox"/> External & Internal Applicants	<input checked="" type="checkbox"/> Non-Exempt Temporary Employees on COSA Payroll
<input checked="" type="checkbox"/> Full-Time Non-Exempt Employees	<input type="checkbox"/> Volunteers
<input checked="" type="checkbox"/> Part-Time Non-Exempt Employees	<input checked="" type="checkbox"/> Grant-Funded Non-Exempt Employees
<input type="checkbox"/> Paid and Unpaid Interns	<input checked="" type="checkbox"/> Police and Fire Academy Trainees
<input type="checkbox"/> Uniformed Employees Under Collective Bargaining Agreements	

## Definitions

<b><u>Overtime</u></b>	<p>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.</p> <p>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.</p> <p>Work in excess of eight (8) hours during a regular work day is <u>not</u> 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.</p>
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<p><b><u>Compensatory (Comp) Time</u></b></p>	<p>Comp time is defined as a time credited at time and one half (½). The City shall allow a maximum accrual of 150 hours of comp time for non-exempt employees. This is the equivalent of 100 FLSA overtime hours worked, credited at time and one half (½).</p> <p>Comp time carries over to subsequent calendar years. Any accrued comp time will be paid out upon an employee’s transfer to another department, promotion from a non-exempt to an exempt position, or upon separation from the City.</p>
<p><b>Policy Guidelines</b></p>	
<p><b><u>Scheduling Overtime</u></b></p>	<p>The City of San Antonio reserves the right to direct and schedule <i>overtime</i> work when the City determines the need for additional service. While <i>overtime</i> work will normally be on a voluntary basis, the City may direct that employees perform <i>overtime</i> when the work situation dictates, with the scheduling of that <i>overtime</i> left to the discretion of the City. <i>Overtime</i>, to include <i>overtime</i> as a result of working through lunch, will not be worked without obtaining prior supervisory approval.</p>
<p><b><u>Compensation for Overtime Worked</u></b></p>	<p>Eligible employees will be compensated for all <i>overtime</i> hours worked in excess of the forty (40) hour workweek at the rate of time and one half (½). The department will determine whether the <i>overtime</i> earned will be paid out or given in compensatory time off.</p> <p>Compensatory time off may be used as compensation for <i>overtime</i> worked when it will not substantially reduce the operating efficiency of the department and will be computed at a rate of time and one half (½) for each <i>overtime</i> hour worked in excess of the forty (40) hour workweek.</p> <p>Employees who have reached the maximum accrual of 150 hours of <i>comp time</i> are not eligible to receive additional <i>comp time</i> until their balance drops below 150, and they must be paid out for any additional <i>overtime</i> worked.</p> <p>With the exception of Annual Leave in excess of 360 hours, and Incentive Leave, employees must utilize accrued <i>comp time</i> hours prior to other types of leave as outlined in Administrative Directive 4.4, Leave Administration.</p> <p>In accordance with the FLSA, upon separation by an employee, payment for accrued <i>comp time</i> 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.</p>
<p><b><u>Compensation for Holidays Worked</u></b></p>	<p>The City will pay full-time employees who work a Council approved holiday or Alternate Holiday at the rate of time and one half (½) of an employee’s normal rate of pay.</p> <p>The shift being worked by the employee must <i>begin</i> within the 24 hour time period of the holiday. For example, a shift beginning at 11:00 PM <i>the day prior</i> to a holiday is not eligible. However, a shift beginning at 11:00 PM <i>on</i> a holiday is eligible.</p> <p>This premium holiday pay is not required under the FLSA provisions.</p>
<p><b>Roles &amp; Responsibilities</b></p>	
<p><b><u>Employees</u></b></p>	<p>It is the responsibility of each employee to adhere to assigned work schedules. At no time shall an employee work <i>overtime</i>, to include <i>overtime</i> as a result of working through lunch, without prior approval expressed through a schedule change or the employee’s supervisor.</p>
<p><b><u>Human Resources</u></b></p>	<p>The Human Resources Department Classification and Compensation Division will be responsible for monitoring the policy, providing interpretations, and clarifying <i>overtime</i> and compensatory time off regulations under FLSA.</p>

**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 ensure that employee payroll check stubs accurately reflect compensatory time balances.

Supervisors are responsible for determining the operational need for and approval of *overtime*.

This directive supersedes all previous correspondence on this subject. Information and/or clarification may be obtained by contacting the Human Resources Department.



**CITY OF SAN ANTONIO**

**EMPLOYEE ACKNOWLEDGMENT FORM  
FOR**

**ADMINISTRATIVE DIRECTIVE 4.13C  
Overtime Compensation under the Fair Labor Standards Act**

**Employee:**

I acknowledge that on \_\_\_\_\_, 20\_\_\_\_, I received a copy of Administrative Directive 4.13C, Overtime Compensation under the Fair Labor Standards Act. I understand if I should have any questions I should contact my Human Resources Representative.

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee SAP ID Number

Attachment A  
Personnel File (original)