

3.3. Work Week and Work Period

The work week for all employees, except employees classified as a law enforcement and/or detention officers, is a forty (40) hour work week, which commences at ~~12:01~~ **12:00** A.M. on Sunday and ends at ~~12:00 midnight~~ **11:59 P.M.** on Saturday.

29 C.F.R. § 553.230 provides that the work period for law enforcement and/or detention officers begins at ~~midnight~~ **12:00 A.M.** on Sunday and continues on a ~~twenty-eight~~ **twenty-eight** (28) day cycle ending at ~~midnight~~ **11:59 P.M.** on Saturday four (4) weeks later. The latter work period for all law enforcement and detention personnel is intended to qualify for the exemption permitted under Section 7(K) of the Fair Labor Standards Act, as amended.

3.9. Compensation of Overtime as Compensatory Time in Lieu of Payment of Wages

The recording of overtime earned will depend on the classification of the employee. In Oklahoma County, employees are classified as either (1) Exempt, (2) Regular Non-Exempt or (3) Law Enforcement and/or Detention Non-Exempt. Overtime will be earned in accordance with the Fair Labor Standards Act. Hours actually worked by regular non-exempt employees in excess of forty (40) hours per work week or in excess of one hundred seventy-one (171) hours per a consecutive twenty-eight (28) day work period for law enforcement and/or detention non-exempt employees, will be compensated with compensatory time off rather than the payment of wages. Any non-worked scheduled time for which leave is taken during that same workweek by regular non-exempt employees or during that same work period by law enforcement and/or detention non-exempt employees, respectively, does not count towards the number of hours which must actually be worked in order to earn overtime. 29 §207 (o) (1); 29 C.F.R. §553.201; §553.211; §553.230

The employee must have prior approval from their Supervisor and/or Elected Official or their representative to work excess hours. Failure of the employee to seek prior approval from their supervisor prior to working overtime may subject the employee to discipline, up to and including termination. However, if worked, it must be compensated, whether it was approved or not, if the work was known or should have been known by the Supervisor.

As an exception to the standard policy of compensating overtime with compensatory time, and at

the sole discretion of the Elected Official or their representative, payment of wages may be made to their regular non-exempt or law enforcement and/or detention non-exempt employees only, for overtime worked, as defined by the Fair Labor Standards Act.

Compensatory time is accumulated as follows:

- 1) Per Section 3.2, **Exempt employees** are NOT entitled to earn or accrue compensatory time because they are exempt from the overtime pay requirements of the federal Fair Labor Standards Act. (Budget Board - July 12, 1999)
- 2) **Regular non-exempt employees** accumulate compensatory time at the rate of one and one-half (1 ½) hours for each hour of overtime worked in excess of forty (40) hours per work week. 29 §207 (o) (1)

Regular non-exempt employee formula for accumulating compensatory time:

The following example demonstrates the methodology by which compensatory time is to be computed.

Regular non-exempt employee works 45 hours within a 7-day work week, e.g., Sunday ~~12:01~~ 12:00 a.m. to Saturday ~~12:00 midnight~~ 11:59 p.m.

5 hours x 1.5 = 7.5 hours of compensatory time accumulated

- a) Any additional hours worked by a regular non-exempt employee on a given day within a work week in excess of the employee's scheduled work day, which for any purpose are taken off during that same workweek, shall be earned hour-for-hour; e.g., if an employee normally works 8:00 a.m. to 5:00 p.m., Monday through Friday and has worked 40 hours by 1:00p.m. Friday, he/she may be given time off from 1:00 p.m. to 5:00 p.m. on the Friday of that workweek, bringing the total number of hours actually worked during that work week to 40 hours, with no overtime earned. This is referred to as workweek adjustment.
- b) Regular non-exempt employees shall accumulate no more than 240 hours of compensatory time at any point in time (represents 160 actual overtime hours worked). 29 §207 (o) (3) (A)
- c) However, for those regular non-exempt employees that from time to time are engaged in public safety, emergency response, or seasonal activity with regular and recurring work periods of significantly increased demand, the maximum limit of compensatory time hours which may be accumulated at any point in time shall be 480 hours (represents 320 actual overtime hours worked). 29 §207 (o) (3) (A)
- d) Regular non-exempt employees' overtime hours worked in excess of the compensatory time hourly accumulation limits shall accumulate compensatory time at 1 ½ times the overtime hours worked and then be PAID at the current regular hourly rate received by the employee, on the next regular payday. 29 §207 (o) (3) (B)
- e) All regular non-exempt employees' requests to take compensatory time off shall be approved,

provided the taking of compensatory time does not unduly impact agency operations or the health, safety, or welfare of the public or endanger public property. 29 §207 (o) (5) (B)

- f) In all cases where compensatory time off is authorized, once a regular non-exempt employee has utilized accumulated compensatory time off so as to reduce their accumulated compensatory time hours below applicable accumulation limits, any additional overtime hours subsequently worked will be compensated with additional compensatory time off, up to applicable accumulation limits. 74 O.S. §840-2.15; 29 U.S.C. §207(o).
- g) All regular non-exempt employees have one hundred eighty (180) days from the pay period in which any compensatory time was accumulated, to take off that compensatory time. The balance of any such accumulated compensatory time not taken shall be paid as wages at the employee's current base hourly rate of pay, on the next regular payday. 74 O.S. §840-2.15 D.
- h) All regular non-exempt employees' compensatory time must be used before vacation leave, except where the employee is subject to losing such vacation leave due to the application of accumulation limits for vacation leave. 74 O.S. §840-2.15 C.
- i) When a regular non-exempt employee moves from non-exempt to exempt status, the employee's accrued compensatory time earned during their non-exempt status shall be paid as wages at the employee's final base hourly rate of pay earned as a non-exempt employee, on the next regular payday.
- j) No regular non-exempt employee's compensatory time may be transferred from one Oklahoma County office or department to another Oklahoma County office or department; rather, it shall be paid as wages to the employee, calculated at the average regular rate of pay for the final three (3) years of employment with that office, or the final regular rate received by the employee, whichever is higher. 29 U.S.C. §207 (4)
- k) Payment for regular non-exempt employees accumulated compensatory time upon separation from the County shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher. 29 U.S.C. §207 (4)

3) **Law enforcement and/or detention non-exempt employees** accumulate compensatory time at a rate of one and one-half (1 ½) hours for each hour of overtime worked in excess of 171 in a 28 day pay period. 29 C.F.R. §553.201; §553.211; §553.230

Law enforcement and/or detention non-exempt employee formula for accumulating compensatory time:

The following example demonstrates the methodology by which compensatory time is to be computed.

Law enforcement and/or detention non-exempt employee works 175 hours within a 28-day work period, e.g., Sunday ~~12:01~~ 12:00 a.m. to Saturday ~~12:00 midnight~~ 11:59 p.m. 4 weeks later

4 hours x 1.5 = 6.0 hours of compensatory time accumulated

a) Any additional number of hours worked by a law enforcement and/or detention non-exempt employee on a given day within a work schedule in excess of the employee's scheduled work day, which for any purpose are taken off during that same work schedule, shall be earned hour-for-hour; e. g., if an employee normally works 8:00 a.m. to 5:00 p.m., Monday through Friday and has worked 40 hours by 1:00 p.m. Friday, he/she may be given time off from 1:00 p.m. to 5:00 p.m. on the Friday of that work week, bringing the total number of hours actually worked to 40 hours, with no overtime earned. This is referred to as work period adjustment. The same applies if the employee is given the same number of hours off on any future scheduled workday, falling within that employee's same 28-day work period.

b) Law enforcement and/or detention non-exempt employees shall accumulate no more than 480 hours of compensatory time at any point in time (represents 320 actual overtime hours worked).

c) Law enforcement and/or detention non-exempt employees' overtime hours worked in excess of the compensatory time hourly accumulation limits shall accumulate compensatory time at 1 ½ times the overtime hours worked and then be PAID at the current regular hourly rate received by the employee, on the next regular payday.

d) All law enforcement and/or detention non-exempt employees' requests to take compensatory time off shall be approved, provided the taking of compensatory time does not unduly impact agency operations or the health, safety, or welfare of the public or endanger public property.

e) In all cases where compensatory time off is authorized, once a law enforcement and/or detention non-exempt employee has utilized accumulated compensatory time off so as to reduce their accumulated compensatory time hours below applicable accumulation limits, any additional overtime hours subsequently worked will be compensated with additional compensatory time off, up to applicable accumulation limits. 74 O.S. §840-2.15; 29 U.S.C. §207(o).

f) All law enforcement and/or detention non-exempt employees have one hundred eighty (180) days from the pay period in which any compensatory time was accumulated, to take off that compensatory time. The balance of any such accumulated compensatory time not taken shall be paid at the employee's current base hourly rate of pay, on the next regular payday.

g) All law enforcement and/or detention non-exempt employees' compensatory time must be used before vacation leave, except where the employee is subject to losing such vacation leave due to the application of applicable accumulation limits for vacation leave.

h) When a law enforcement and/or detention non-exempt employee's status changes from non-exempt to exempt status, the employee's accrued compensatory time earned during their non-exempt status shall be paid as wages at the employee's final base hourly rate of pay earned as a non-exempt employee, on the next regular payday.

i) No law enforcement and/or detention non-exempt employee's compensatory time may be transferred from one Oklahoma County office or department to another Oklahoma County office

or department; rather, it shall be paid as wages to the employee, calculated at the average regular rate of pay for the final three (3) years of employment with that office, or the final regular rate received by the employee, whichever is higher.

j) Payment for law enforcement and/or detention non-exempt employees' accumulated compensatory time upon separation from the County shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher.

3.11. Payment of Wages

All Oklahoma County Elected Officials and employees shall be paid monthly. The pay period shall start the 21st of the previous month on which the pay day is scheduled and end on the 20th of the month in which the pay day is scheduled. The regular payday shall be on the last working day of each month worked. Oklahoma County allows direct deposit or pay card for the payment of wages. Employees can expect confirmation of the regular payroll deposit in their financial institution by ~~midnight of~~ 11:59 p.m. on the regular payday. Deposit advices will normally be distributed by 9:00 a.m. on the day before regular payday. When a payday falls on a holiday or other non-scheduled workday, employees will normally be paid on the last preceding workday.

Each employee's hourly rate of pay will be compensated based upon the methodology presented in Addendum: Time and Leave.

ADDENDUM: TIME AND LEAVE

Oklahoma County full time employees are paid on an exception pay business model.

An annual salary is set for each full-time employee by the Elected Official or their designated representative. The **position** that employee holds determines the classification of Exempt or Non-Exempt as defined in the Fair Labor Standards Act.

One twelfth (1/12) of the salary is paid on the last working day of each month. Provides for consistent pay each month regardless of the number of available work hours in the pay period.

Oklahoma County has two employee classifications for purposes of determining hourly rate of pay **AND** eligibility to earn compensatory time for Non-Exempt positions:

Regular (Civilian) – 40 hours per work week

~~12:01 a.m.~~ **12:00 a.m.** Sunday to ~~12:00 midnight~~ **11:59 p.m.** Saturday

40 hours x 52 weeks =
2,080 annual hours
Annual Salary / 2,080 =
Hourly Rate of Pay

Employee must work in excess of 40 hours each work week to be eligible to earn compensatory time that is accrued at the factor of 1.5 x hours over 40 for that work week. Each work week must be reviewed independently for this calculation eligibility and regardless of when the payday falls in the month. If the payday falls outside of the work week review for eligibility, COMP will not be accrued for that payday.

Law Enforcement and/or Detention – 171 hours per 28-day work period

29 C.F.R. § 553.211(a) the work period begins at ~~12:01 a.m.~~ **12:00 a.m.** on Sunday and continues on a ~~twenty-eight~~ **twenty-eight** (28) day cycle ending at ~~midnight~~ **11:59 p.m.** on Saturday four (4) weeks later. The latter work period for all law enforcement personnel is intended to qualify for the exemption permitted under Section 7(K) of the Fair Labor Standards Act, as amended.

171 hours x 13 28-day work periods =
2,223 annual hours Annual Salary / 2,223
= Hourly Rate of Pay

Employee must work in excess of 171 hours each 28-day work period to be eligible to earn compensatory time that is accrued at the factor of 1.5 x hours

over 171 for that work period. Each work period must be reviewed independently for this calculation eligibility and regardless of when the payday falls in the month. If the payday falls outside of the work period review for eligibility, compensatory time will not be accrued for that payday.