**Overtime Administration Guide**

**Adjusting Days Worked Within the Workweek**

**Issue:**

Department policy has allowed the flexibility to adjust the hours and days worked of employees to better manage overtime costs. Personnel Policy 3000, “Working Hours and Overtime,” allows the following to occur:

* At the discretion of the immediate supervisor, employees may be relieved from duty once they have completed their normal number of hours for the day.
* At the discretion of a district or division/office management team member, employees may be relieved from duty for the remainder of the workweek once they have completed a 40-hour week on payroll (i.e., hours worked and on paid leave).
* At the discretion of a district or division/office management team member, employees may be relieved from duty prior to having completed a 40-hour week on payroll (i.e., hours worked and on paid leave) in order to flex hours that will be worked later in the week, as long as the employee will be on payroll for a minimum of 40 hours for the workweek. To ensure sufficient staff is available to perform necessary work for the duration of the normal scheduled workweek, employees may be asked to flex out additional hours on a staggered daily basis.

The policy provisions noted above apply subject to the guidelines below. Greater consistency in application of these policy provisions is necessary across district lines, particularly within a given emergency event. The guidelines below are not all inclusive of the department’s policies and practices regarding overtime and are subject to change, without notice, based upon the department’s business needs.

**Guidelines:**

* Employees should be given as much advance notice as possible regarding potential schedule changes.
* Employees should, when legitimate business reasons exist, be required to flex their time within each workweek (Sunday at 12:00 a.m. to midnight Saturday) to avoid going over 40 hours on payroll during the week. Exceptions will be made for additional hours worked due to call-out, or due to winter or emergency operations conducted on weekends or holidays, as explained below.
* Employees who are required to work due to winter or emergency operations on their regular days off within the workweek (e.g., weekends for most employees), will be given the choice to flex the additional time out later in the workweek (if possible) or receive overtime compensation for that additional time worked.
* Employees who are required to work due to winter or emergency operations, on the actual, observed, or replacement date (i.e., switched date) of a department holiday, will be given the choice to flex the additional time out later in the workweek (if possible) or receive overtime compensation for that additional time worked.
* In order to ensure employees receive overtime compensation for their call out hours, employees will not be required to flex out additional hours when they are called out to work before or after their normal work schedule, under the provisions of Personnel Policy 3000, Paragraph 9 (i.e., minimum of two hours of work credit if call out period does not immediately precede or follow their normal work schedule). Making calls or answering questions from home does not qualify for the minimum two hour allowance and only the actual time worked in counted; however, employees are responsible for accurately reporting all time worked in these situations. When possible, employees must obtain advance supervisory approval to use their personal or department issued phone or other electronic device to place or receive business related calls, texts, or email messages during hours outside of their work schedule.
* Employees should be relieved from duty prior to the completion of their normal workweek based on the need to return later in the week due to a planned event such as a concrete pour tied to the contractor’s work schedule or making repairs to a roadway or bridge at times when traffic volume is lower (e.g., nights or weekends). Responding to snowfall or other winter weather will not be considered as a planned event for the purposes of preflexing.
* Employees should be relieved from duty upon completion of their normal workweek (i.e., 40 hours), unless it is necessary for them to continue working in response to winter or emergency operations (e.g., snow, flood, etc.). Once the winter or emergency situation begins to wind down, employees may be relieved from duty based on the department’s levels of priority operations. The Engineering Policy Guide (EPG) sets out the priority operations which require 24-hour per day attention and those operations which can be postponed until normal working hours. All districts should use the EPG consistently when determining when to send employees home upon reaching 40 hours of work.
* Employees should not be required to begin their workweek in advance of their normally scheduled workweek or be relieved from duty prior to the completion of their normal workweek based on the presumption that they will be needed later in the week in anticipation of winter weather or an emergency (e.g., snow, flood, etc.) since these cannot be accurately predicted. In other words, “preflexing” for anticipated snow later in the week is not allowable. This is not allowable because if employees are asked to “preflex” and an anticipated event does not occur, it is possible employees might have to work over the weekend or other planned days off to ensure they work 40 hours during the week.
* Personnel Policy 3000, “Working Hours and Overtime,” states that “on the first day of the emergency condition, night shift employees may be sent home prior to the completion of their standard day, if the emergency condition is forecasted to continue into the night shift hours. These employees will be expected to return that evening to begin their shift at a time that allows them to complete their standard number of hours for that day. If conditions change and these employees are not needed for emergency operations, they will be assigned to other productive activities to complete their standard number of hours.” This remains an acceptable practice and is not considered “preflexing.”
* Employees must not be sent home immediately upon arrival at work in order to accommodate a shift to winter or emergency schedules as outlined in the preceding bullet. In the event advance notice cannot be given to employees prior to their arrival at work, they must be allowed to work for at least four hours before being sent home. Employees may request approval to return home in this situation and after it is determined how many hours they will work the remainder of the day, they may charge time to annual leave or comp time, or flex the number of hours necessary to complete their schedule for the day (if a sufficient number of additional hours are worked within the workweek).
* Please be aware that employees’ leave accruals may be shorted should they be required to flex more hours in the pay period than additional hours worked. In the event leave accruals are adjusted, employees will be made whole in their following paycheck.
* If employees must perform productive and necessary work through their lunch break in order to not impede the progress of a special project (e.g., chip seal or emergency work), this time must be recorded as hours worked. Employees should make every effort to receive approval from their supervisor before working through their scheduled lunch break. Even if employees are unable to obtain advanced supervisory approval prior to performing this productive and necessary work through their lunch break, their supervisor must approve the hours worked.