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| <b>SEMINOLE COUNTY SHERIFF'S OFFICE</b><br><br><b>GENERAL ORDER</b> | <b>NUMBER:</b><br><br><b>G - 30</b> |
|   | <b>RESCINDS:</b>                    |
| <b>SUBJECT: Overtime Compensation Policy</b>                        |                                     |
| <b>EFFECTIVE: November 14, 1994</b>                                 |                                     |
| <b>REVISED: July 6, 2023</b>  |                                     |
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Table of Contents:

- I. Purpose
- II. Scope
- III. Defined Work Periods
- IV. Computing Overtime
- V. Disaster Payroll Policy

**I. PURPOSE:**

This directive describes Sheriff's Office policy regarding overtime allocation and compensation.

**II. SCOPE:**

The federal overtime provisions are contained in the Fair Labor Standards Act (FLSA). Under the FLSA, non-exempt (hourly) employees must receive overtime pay, at a rate not less than one and one-half times their regular rate of pay, for "hours worked" in excess of the maximum amount of regular hours worked in an employer defined work period. However, the FLSA provides an exemption from overtime pay for employees employed in a position that meets the exemption tests as a bona fide executive, administrative or professional position. Employees meeting the exemption tests, and classified as such by the agency, are paid on an exempt (salaried) basis.

**III. DEFINED WORK PERIODS:**

The number of hours worked prior to qualifying for overtime compensation is dependent upon the particular work period declared by the public employer for a group of employees engaged in law enforcement duties. FLSA does not require that the same work period be established for all employees nor do all employee classifications of the agency qualify for all work periods defined by the agency. The work period concept allows the Sheriff's Office to schedule employees to work a certain number of hours before overtime may accrue. The following work periods by employee group have been established by the Sheriff's Office:

- A. Employees in classified and unclassified non-exempt civilian positions have a defined work period of seven (7) days (40 hours); which runs from Tuesday, 0000 hours, to Monday, 2359 hours. Employees may be routinely or non- routinely scheduled to work in excess of 40 hours in the work period to ensure operational coverage and will be compensated in accordance with the FLSA. If an employee's shift begins before midnight (0000 hours/12:00am) and continues into the next day the entire shift will be deemed to have been worked on the day in which the shift began.
- B. Employees in classified positions of Deputy Sheriff, Detention Deputy, or holding the rank of Sergeant have a defined work period of fourteen (14) days (86 hours). The work period shall coincide with the agency's pay period from Tuesday, 0000 hours, to Monday, 2359 hours. If an employee's shift begins before midnight (0000 hours/12:00am) and continues into the next day the entire shift will be deemed to have been worked on the day in which the shift began.
- C. Employees in classified positions holding the rank of Lieutenant and appointed positions of Manager, Captain/Director, Chief, Undersheriff or other designated at-will positions are considered exempt (salaried) from payment of overtime under the guidelines of the FLSA. The work period for these

employees shall coincide with the pay period and will run from Tuesday, 0000 hours, to Monday, 2359 hours. Exempt/salaried employees do not have defined work schedules, but may have responsibility for coverage of specific work hours in order to ensure continuity of command.

**IV. COMPUTING OVERTIME:**

- A. Personnel entitled to overtime compensation as previously outlined shall be paid overtime for all hours worked in excess of their established work period. Examples of the definition of hours that are not included in the computation of hours worked include the following:
1. Absences from work including sick time, Sheriff's Office designated holidays, vacation, personal time off, family medical leave, bereavement leave, administrative leave, or absences due to weather-related natural disasters such as hurricanes, flooding, etc.,
  2. Jury Duty,
  3. Meal periods lasting at least one-half hour, where the employee is free from duty,
  4. On-call time,
  5. Travel periods during non-working hours where the employee is not performing any work,
  6. Special detail or off-duty employment performed solely at the option of the employee and is separate and independent of the Sheriff's Office (with exceptions as noted in the General Order Off-Duty Employment).
- B. It is Sheriff's Office policy that overtime is permissible only in cases of actual emergency or other such circumstances requiring the assignment of employees to extra hours of work as approved by their immediate supervisor or higher authority. Overtime is based on agency need and employees will be given as much notice as practical before the overtime is to be required.
- C. Flex Time:
1. It is Sheriff's Office policy that flex time be used to the extent possible.
  2. Should an employee's work hours begin to exceed the maximum regular hours in the work period, the supervisor shall make every attempt to adjust the employee's work schedule to ensure that the total number of hours actually worked does not exceed those prescribed for the applicable work period as defined in Chapter III. In instances where it is not feasible to adjust the employee's work schedule, overtime shall be paid at the rate of one and one-half times the employee's regular hourly rate of pay for all hours actually worked in excess the prescribed number of hours in the employee's applicable work period as defined in Chapter III.
- D. *Use of PTO/Overtime:*
1. It is not the intent of the overtime policy to permit employees to effectively "cash-out" PTO hours by working additional hours during pay periods in which PTO time is taken. Unless otherwise approved by the Lieutenant/Manager as an exception in extenuating circumstances, in work periods where an employee takes PTO time during their normal work schedule and also works additional hours outside their normal work schedule, resulting in an "overtime" situation (including straight-time overtime), the employee's PTO time reflected as taken on the time card shall be adjusted downward to offset the hours worked outside of the employee's normal work

schedule and the offset PTO amount will not be deducted from the employee's accrued leave balance.

- 2 When approval is made by a Lieutenant/Manager to pay PTO time and overtime as an exception, it is the employee's responsibility to document the approval on their timecard in the comments section of the entered overtime as follows: Approved by: "Last Name of Lieutenant/Manager". Time cards submitted with PTO/Overtime where no documentation as to approval is indicated will be automatically changed by the Payroll Section to comply with the policy, with notification made to the applicable Lieutenant/Manager that the change was made.

**V. DISASTER PAYROLL POLICY:**

- A. This section establishes compensation policy for employees for work in preparation for and/or response to a natural, technological, or human-caused emergency or disaster. This policy shall be activated when Seminole County declares a Local State of Emergency or when the Emergency Operations Center is activated in preparation for a Local State of Emergency declaration. Normal payroll policy will occur when the Emergency Operations Center closes and the County officially moves from response to recovery. This policy is also activated when work is being performed in another County/State during a disaster or emergency event pursuant to a Statewide Mutual Aid Response or Emergency Management Assistance Compact.
- B. During an emergency or disaster:
  1. Employees may be temporarily reassigned to duties not normally in the scope of their position and/or to work at different job sites.
  2. All Sheriff's Office employees are considered essential and are expected to carry out emergency activities as assigned during times of disaster. However, not all employees may be required to work during the disaster event. Assignments will be based on the determination of need through the Emergency Management Division.
  3. Employees will be notified of their work status, mandatory or non-mandatory, by their supervisor or chain of command depending upon the situation. Exemptions from mandatory work status may be approved by a Captain/Director for medical or other hardship issues on a case by case basis.
    - a. Employees in a mandatory work status will receive compensation for all hours worked in accordance with the Fair Labor Standards Act.
    - b. Employees in a non-mandatory work status:
      - 1) who are not required to report to work or have not been given an emergency assignment will be compensated for their normal scheduled hours.
      - 2) who are required to report to work their normal job duties will receive compensation for all hours worked in accordance with Fair Labor Standards Act, but will be compensated for no less than their normal scheduled hours.

- 3) who volunteer through Seminole County Emergency Management will not receive additional compensation for volunteering.
4. Additional compensation will be granted as follows:
  - a. Disasters that directly affect Seminole County:
    - 1) Exempt personnel involved in the preparation for and/or response to such incidents, shall be compensated at straight time for all hours worked during a declared emergency. The Sheriff shall issue a memorandum citing the specific circumstance, exempt classifications covered, and the time period for this additional compensation.
  - b. Responses to another County/State:
    - 1) All non-exempt personnel deployed as part of a response to another County/State during a declared disaster or emergency will be compensated from mobilization to demobilization as follows:
      - a. For all hours in an active work status, deployed personnel will receive compensation in accordance with the Fair Labor Standards Act.
      - b. For all hours at rest, deployed personnel will receive straight time
    - 2) Exempt personnel deployed as part of a response to another County/State during a declared disaster or emergency, shall be compensated at straight time for all hours worked during a declared emergency. The Sheriff shall issue a memorandum citing the specific circumstance, exempt classifications covered, and the time period for this additional compensation.
5. Each Division will be responsible for tracking and reconciling any emergency/disaster hours worked with the employee's time sheet, daily forms, and Incident Action Plans. The hours must match between the forms.