

	TOWN OF PARADISE VALLEY Administrative Policy	
	Title: HOURS OF WORK AND OVERTIME	Policy No. AP-08.1
Policy Owner: Gina Monger, Human Resources Director		
Approved By: Andrew Ching, Town Manager		
Authorized By: Chapter 8: Hours of Work and Overtime, Town Employee Handbook	Revision History: 06/09/2023	Effective Date: 06/23/2024

1. PURPOSE

This policy will provide further guidance for the administration of the provisions as authorized by *Chapter 8: Hours of Work and Overtime* of the *Town of Paradise Valley* (hereinafter referred to as the "Town") *Employee Handbook*.

2. HOURS OF WORK

2.1. Positions will be classified by the Town as overtime-eligible (non-exempt/hourly) or overtime-exempt (salaried) in accordance with the Fair Labor Standards Act (FLSA).

2.2. The standard work schedule is 8 hours per day, 5 days per week for a total of 40 scheduled hours in the workweek.

2.3. Hourly Employees

2.3.1. Hourly employees are responsible for abiding by their work schedule and complying with the provisions of overtime.

2.3.2. Hourly employees will not perform work (such as reading or responding to emails, making business calls, or participating in online activities) outside of their assigned work schedule without advance authorization from their supervisor. Except in an emergency, approval from a supervisor is required prior to an hourly employee deviating from their standard work schedule or working additional hours.

2.3.3. Supervisors will work to ensure that hourly employees do not work or volunteer for additional work hours that have not been previously approved and will result in working outside of their assigned work schedule or may result in overtime.

2.4. Salaried Employees

2.4.1. Salaried employees are expected to work, on average, a 40-hour workweek within a 12-month period, with no additional compensation for working over 40 hours in any week.

2.4.2. Salaried employees may on occasion receive informal paid leave called exempt time for time worked in excess of their usual work schedules.

2.4.3. Exempt time is given at the discretion of the Town Manager only. Exempt time is based on an informal agreement between the salaried employee and Town Manager for which the employee has no claim or property rights.

3. ALTERNATE WORK SCHEDULES

- 3.1. An alternate work schedule is any schedule other than the standard schedule defined in *Subsection 2.2 Hours of Work*. Alternate work schedules may be considered, provided:
 - 3.1.1. Equivalent customer service is provided to internal and external customers, through electronic or other means.
 - 3.1.2. Employee performance meets acceptable standards.
 - 3.1.3. The alternate work schedule does not incur overtime. This requirement may be waived for shift positions that require relief if approved by the Town Manager, subject to budget limitations.
- 3.2. The use of an alternate work schedule for an exempt employee will not affect overtime eligibility, and such an employee is expected to work the same number of hours as if they were on a standard schedule.
- 3.3. Work schedule variations require prior approval of the department director or Town Manager, as appropriate. Employees may request an alternate work schedule in writing to their supervisor for a recommendation to the department director/Town Manager.
- 3.4. The following schedules are authorized by the Town Manager, subject to the department director's approval for their respective hourly employees. The Town Manager may consider other alternate work schedules in accordance with the provisions of this subsection.
 - 3.4.1. **4/10s Schedule:** Work 4, 10-hour days, with 3 scheduled days off.
 - 3.4.2. **4/9s Schedule:** Work 3, 9-hours days, and 1, 4-hour day, with 2 scheduled days off.
 - 3.4.3. **9/80s Schedule**
 - 3.4.3.1. The designated workweek for this schedule will begin at the 4th hour of the 8-hour workday.
 - 3.4.3.2. Week 1: Work 4, 9-hour days and 1, 8-hour day; with 2 scheduled days off.
 - 3.4.3.3. Week 2: Work 4, 9-hour days; with 3 scheduled days off.
 - 3.4.4. **3/12s Schedule**
 - 3.4.4.1. This schedule is intended for positions that provide services 24 hours a day, 7 days a week.
 - 3.4.4.2. The designated workweek for this schedule will begin at the 4th hour of the 8-hour workday.
 - 3.4.4.3. Week 1: Work 3, 12-hour days and 1, 8-hour day, with 3 scheduled days off. The 8-hour day will be the same day as the 4th day off in Week 2 to ensure no more than 40 hours are scheduled in the designated workweek.
 - 3.4.4.4. Week 2: Work 3, 12-hour days, with 4 scheduled days off.
 - 3.4.5. Pursuant to *Section 207(k)* of the FLSA, the Police Chief may declare in writing, alternate work periods for sworn law enforcement officers, subject to the approval of the Town Manager and in conformance with state and federal regulations.

3.4.5.1. A work period is any established and regularly recurring period of work which cannot be less than 7 consecutive days nor more than 28 consecutive days. The work period can be of any length, and it need not coincide with the pay period or with a particular day of the week or hour of the day.

3.4.6. The Chief of Police will define all sworn personnel workweeks through a written *Town Police Department General Order*.

3.5. Alternate work schedules may be suspended immediately or terminated with 14 calendar days' notice to the affected employee(s). A suspension will not be used to circumvent the 14-day notice requirement for terminating the alternate work schedule.

4. MEAL AND REST PERIODS

4.1. Meal Periods

4.1.1. Unpaid meal periods, from 30 to 60 minutes, may be included in the schedules of certain positions and/or employees, based upon working conditions and workloads.

4.1.2. Designated meal periods will be unpaid.

4.1.3. Employees taking an unpaid meal period must be relieved of all duties and not required to perform work of any kind. Employees who must respond or perform work duties will notify their supervisor of their interrupted meal period and will be paid for their meal period.

4.1.4. Employees who are required to remain on-call and or respond to work during their entire shift will be paid for their scheduled meal period.

4.2. Rest Periods

There are no designated rest periods (breaks) within the Town. Employees are allowed de minimis rest periods for personal needs. Supervisors may manage rest periods to accommodate workloads or other operational needs.

4.3. Lactation Breaks and Locations

4.3.1. In accordance with federal requirements, reasonable breaks will be provided for an employee to express breast milk for their nursing child for one year after the birth of the child. The Town will provide a private space, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public.

4.3.2. The employee will work with Human Resources and their supervisor to identify a proper location for lactation breaks.

5. OVERTIME

5.1. Overtime Definition

5.1.1. For all hourly employees (overtime-eligible), except those identified in *Subsection 5.2. Alternate Overtime Definition*, overtime is based exclusively on time worked (as defined below), by a non-exempt (hourly) employee in excess of 40 hours in the workweek.

5.1.2. The following are considered hours worked exclusively towards the 40 in the workweek for the purposes of calculating overtime:

- 5.1.2.1. Actual hours worked.
- 5.1.2.2. Vacation leave hours used.
- 5.1.2.3. Sick leave hours used.
- 5.1.2.4. Paid designated holiday off hours.

5.1.3. All other paid leaves, donated leave, compensatory time, additional compensation for time worked on a holiday (banked holiday hours) are excluded from hours worked for the purposes of determining overtime.

5.1.4. The standard workweek begins Sunday at 12:00 a.m. and ends Saturday at 11:59:59 p.m. Other workweeks may be defined for overtime purposes as provided for in *Subsection 3. Alternate Work Schedules* above.

5.2. Alternate Overtime Definition

5.2.1. Police Department positions of Officers, Corporals, Sergeants, and Lead/Dispatchers will follow the overtime definition provided for in this subsection.

5.2.2. The following are considered qualifying hours worked for the purposes of purposes of determining overtime.

5.2.2.1. All hours worked over 40 in the designated workweek.

5.2.2.2. Actual hours worked in excess of eight (8) hours in any workday, if the employee works an eight (8) hour shift. If the employee works more than an eight (8) hour shift, all work in excess of the employee's regularly scheduled shift.

5.2.2.3. Hours worked on a regularly scheduled day off.

5.2.2.4. Hours worked on Town designated holidays as defined in the designated holidays policy.

5.2.2.5. Vacation leave hours used.

5.2.2.6. Sick leave hours used.

5.2.3. All other paid leaves, donated leave, compensatory time, additional compensation for time worked on a holiday (banked holiday hours), standby, and callback hours are excluded from hours worked for the purposes of determining overtime.

5.3. Minimizing Overtime

5.3.1. Department directors/designees are responsible for scheduling employees to minimize overtime, and employees are responsible for adhering to their work schedules. Overtime must be approved by the department director/designee in advance or, in the event of an emergency, as soon as possible.

5.3.2. When reasonably possible, supervisors will adjust employee schedules within the workweek to avoid overtime and minimize costs. This provision does not apply to employees assigned to positions that require relief.

5.4. Overtime Rate

- 5.4.1. Overtime hours will be compensated at the rate of one and one-half (1.5) times the employee's base pay rate, inclusive of any assignment pay and shift differential, or one and one-half (1.5) hours of compensatory time off for each hour of overtime worked.
- 5.4.2. Overtime hours are rounded to the nearest quarter of an hour (0.25). Less than 8 minutes is rounded down and not counted as hours worked; 8 minutes to less than 15 minutes is rounded up and counted as 0.25 hours worked.

5.5. Pyramiding Overtime

Overtime will not be pyramided, compounded, or paid twice for the same time worked.

5.6. Compensatory Time

- 5.6.1. Compensatory time is defined as paid time off to be used in the future for overtime hours worked in lieu of cash payment for the overtime hours worked. Compensatory time is accrued at a rate of 1.5 hours for every hour of overtime worked. Hourly employees who work overtime may elect to receive overtime compensation in the form of cash payment or in the form of compensatory time off.
- 5.6.2. The election of either cash payment at the overtime rate or compensatory time off will be made by the employee when the timesheet including the overtime is submitted for approval.
- 5.6.3. Overtime accrued as compensatory time off will be reported as actual hours worked and will be converted to compensatory hours earned during payroll processing for that pay period.
- 5.6.4. Compensatory time earned may be used after the pay period in which it was earned. The use of compensatory time must be approved in advance, and such approval may be contingent upon the availability of relief employee(s). Compensatory time used will be reported on employee timecards as actual hours off.
- 5.6.5. Sworn employees and Police Dispatchers may accumulate a maximum balance of 120 hours of compensatory time. All other employees may accumulate a maximum of 80 hours of compensatory time. The Town Manager has the discretion to increase these maximum accumulation limits.
- 5.6.6. Accrued compensatory time will be cashed out upon separation from Town employment or upon promotion to an exempt position. Subject to Town budget limitations, accrued compensatory time may be cashed, up to 80 hours, on the last payday of the fiscal year at the request of the employee, which must be submitted by email to payroll.
- 5.6.7. The cash value of accrued compensatory time is calculated using the employee's pay rate at the time of the request. For an employee promoted to an exempt position, accrued time is paid out at the employee's last pay rate in an hourly position. The cash value of accrued compensatory time is calculated at the employee's current pay rate or, if accrued time is paid out upon promotion to an exempt position, at the employee's last pay rate in an hourly position.