



City of Pittsburgh  
Operating Policies

<b>Policy: Overtime - for Non-Union Employees</b>	<b>Original Date: 3/1995</b>
	<b>Revised Date: 11/2009</b>

**PURPOSE:** To establish guidelines for the awarding of and compensation resulting from overtime hours; bargaining unit employees are covered by the appropriate collective bargaining agreements.

**POLICY STATEMENT:** All non-union employees are to follow the FLSA Non-Exempt Overtime or the FLSA Exempt Overtime Policy according to their job titles.

*Disclaimer: No statements in this policy are intended or set forth as contractual commitments or obligations of the City to any individual employee or group of employees, or to establish an exception to the employment-at-will doctrine beyond that specified in the Civil Service Statutes and Rules or pertinent collective bargaining agreement. If there are differences between the various collective bargaining agreements and this policy, the pertinent collective bargaining agreement takes precedence.*

## DEFINITIONS

**Fair Labor Standards Act (FLSA):** A federal labor law of general and nationwide application, including Overtime, Minimum Wages, Child Labor Protections, and the Equal Pay Act.

The determination of **FLSA non-exempt** and **FLSA exempt** will be based on a comprehensive review of job description and be compared to the language set forth in the FLSA guidelines. This review will be done by the Department of Personnel and Civil Service Commission (P&CSC).

## POLICY

- The Department of Personnel and Civil Service Commission (P&CSC) each January will deliver to all department directors an update of FLSA exempt job titles. Exempt title holders will earn and be compensated for overtime hours according to the below-detailed "FLSA Exempt Overtime Policy." All other employees will be considered non-exempt and will earn and be compensated for overtime hours according to the below-detailed "FLSA Non-Exempt Overtime Policy."

## **FLSA NON-EXEMPT OVERTIME POLICY**

- Overtime is any hours worked, accrued in thirty-minute intervals, in excess of 38.75 hours in any given week. Any compensated absence (e.g., vacation, personal, sick, military, bereavement, etc.) is considered hours worked.
- No FLSA non-exempt employee will perform overtime work without a supervisor's written pre-approval. Supervisors must approve any employee's accrual of overtime by initialing the time sheet and indicate the number of overtime hours worked that are to be compensated for. Supervisors should provide the Director with at least one day of notice of the need for paid overtime. However, inability to provide notice will not necessarily prevent the working of overtime.
- Non-exempt employees must determine in advance of working approved overtime whether the overtime compensation will be pay or compensatory leave time. Such determination will be recorded according to departmental policy, and management will have uncontested authority to determine which employees are offered overtime and to deny extra hours to any employee who insists on paid overtime as opposed to accruing compensatory time.
- Non-exempt employees will be permitted to hold or accrue no more than 18 compensatory leave time days. The 18 day limit results from the overtime hours worked multiplied by 1.5 (for example, if an employee works 4 approved overtime hours and had agreed to compensatory leave time as compensation, he/she will accrue 6 hours of compensatory leave time –  $4 \times 1.5 = 6$ )
- Non-exempt employees' first 1.25 overtime hours will be compensated at straight time – one hour for each approved and worked overtime hour – regardless of whether the compensation is pay or compensatory leave hours. This is due to the fact that the normal work week is 38.75 hours and not 40 hours.
- Non-exempt employees will be paid for all unused compensatory leave time hours in the event they terminate employment with the City. Such pay will be calculated by 1.5 times the actual overtime hours worked – with the exception of the first 1.25 hours of overtime per week, which will be paid at straight time.
- Non-exempt employees must use compensatory leave time in accordance with the procedures associated with scheduling and using personal leave time.

## **FLSA EXEMPT OVERTIME POLICY**

- Overtime is any hours worked, accrued in thirty-minute intervals, in excess of 38.75 in any given week. Any compensated absence (e.g., vacation, personal, sick, military, bereavement, etc.) is considered hours worked.
- Exempt employees will not perform overtime work without a supervisor's written pre-approval.
- All overtime hours will be compensated as future time off – called compensatory leave time. In no circumstance will an exempt employee be paid for overtime hours – neither during City of Pittsburgh employment nor upon termination.
- Exempt employees will accrue compensatory leave time on a straight hour basis: each approved overtime hour worked will result in one (1) hour of compensatory leave.
- Exempt employees will not be permitted to hold or accrue more than 18 compensatory leave time days at any time.
- Exempt employees must use compensatory leave time in accordance with the procedures associated with scheduling and using personal leave time.

## **“GRANDFATHERED” EMPLOYEES**

Pursuant to the policy change effective March 27, 1995, employees who had accrued compensatory leave time hours carried forward have those hours reflected in their bi-weekly pay statements. The use of those hours is subject to approval in accordance with the Leave of Absence policy and procedures, and all other provisions in this policy. Such employees have no time limit to use the approved carried-over hours.