

(was MCCMH Policy 10-06-020)

Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **OVERTIME AND COMPENSATORY TIME**

Prior Approval Date: 8/27/02
Current Approval Date: 7/12/12

Approved by: _____

Executive Director

Date

I. Abstract

This policy establishes the standards for overtime and compensatory time for Fair Labor Standards Act (FLSA) exempt and non-exempt union-represented and non-union-represented employees of the Macomb County Community Mental Health (MCCMH) Board.

II. Application

This policy shall apply to the MCCMH administrative offices and to all directly-operated network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board that overtime or compensatory time shall be granted to employees of the MCCMH Board pursuant to FLSA standards, the Macomb County Personnel Manual § 2.6 (MCCMH MCO Policy 10-001, "Adoption of Macomb County Personnel Policies"), the American Federation of State, County, and Municipal Employees (AFSCME) Local #411 Agreement, and any relevant agreements between the MCCMH Board and the Macomb County Human Resources Department, as provided in the provisions of this policy.

IV. Definitions

A. Overtime

Actual hours worked in excess of 37.5 hours in a work week, including holiday hours.

B. Compensation

Either cash payment or time off during the regular work schedule, depending upon whether the individual is a FLSA exempt or non-exempt employee, for overtime hours.

- C. Compensatory Time
Time off during the regular work schedule in lieu of cash payment for overtime hours previously worked.
- D. FLSA Exempt Employee
A MCCMH employee who is at salary code 19 and above.
- E. FLSA Non-Exempt Employee
A MCCMH employee who is at salary code 18 and below.
- F. Fringe Benefit Days
Approved and paid Annual Leave and Sick Time (including personal business) days.
- G. Union-Represented Employee
A MCCMH employee who is a member of AFSCME Local #411.
- H. Non-Union Represented Employee
A MCCMH employee who is not a member of AFSCME Local #411.

V. Standards

- A. Compensation
 - 1. For FLSA non-exempt employees (pay grade 18 and below) represented by the AFSCME Local #411 contract:

MCCMH has the right to offer overtime compensation either in the form of cash payment or compensatory time. The employee has the right to refuse overtime if it is offered as compensatory time. However, MCCMH may then offer the overtime in the form of compensatory time to other employees.
 - 2. For FLSA non-exempt employees (pay grade 18 and below) not represented by union contract:

MCCMH has the right to offer the employee a choice of overtime compensation either in the form of cash payment or compensatory time. The employee may choose either cash payment or compensatory time for such time worked.
 - 3. For FLSA exempt employees (pay grade 19 and above) either represented or not represented by union contract:

MCCMH will provide the FLSA exempt employees with compensatory time in lieu of overtime which will be earned at the rate provided in V.A.4. (below).

4. For all employees:

Hours in a work week accumulated between 37.5 and 40 hours are compensated on a straight hour for hour basis. Hours in a work week accumulated above 40 hours are compensated on a time and one half hour per hour basis. This provision applies to both cash payments and compensatory time.

B. Fringe benefit days (Annual Leave, Sick Time, including personal business days)

1. For FLSA non-exempt employees (pay grade 18 and below) either represented or not represented by union contract:

Fringe benefit days shall be recognized as time worked for the purpose of compensation calculation.

2. For FLSA exempt employees (pay grade 19 and above) represented or not represented by union contract:

Fringe benefit days shall not be recognized as time worked for the purposes of compensation calculation. Time worked up to 37.5 hours must be hours accumulated in actual work performance.

C. Holidays are recognized as time worked for the purpose of compensation calculation for all employees.

D. All overtime and compensatory time accrual and usage shall be reported on the employee's attendance report.

E. Overtime and compensatory time shall be accrued based on prior written approval of the Supervisor, except when extraordinary conditions pertain and such work is necessary to cover a program or meet emergency needs. In those situations, an employee may acquire such time subject to the written approval of his/her Supervisor. In no instances shall the approval of compensatory time be contrary to the provisions of V.G.2., below.

F. An employee shall be permitted to use any compensatory time accrued for any reason unless use of the compensatory time for the period requested will unduly disrupt the operations of MCCMH.

G. Time period within which compensatory time must be taken:

1. All FLSA exempt and non-exempt employees either represented or not represented by union contract:

Employees who have accrued compensatory time and request the use of same shall be permitted to use such time off within a reasonable period

after making the request if such use does not unduly disrupt the operations of MCCMH. A reasonable time period is defined as use within the next two bi-weekly pay periods, i.e., four weeks. It shall be the responsibility of the employee's Supervisor to ensure that compensatory time is used within the next two bi-weekly pay periods. Time not used within that period shall be forfeited unless an exception is approved. Exceptions to this time period may be approved by the employee's Supervisor with acceptable justifiable rationale. In no instances shall the approval of compensatory time be contrary to the provisions of V.G.2., below.

2. The necessity to accrue compensatory time is an exception, and not the rule or preferred practice. In those isolated situations where staff have accrued compensatory time, per Macomb County policy, no employee shall be allowed to carry forward more than forty (40) hours of compensatory time on December 31st of each year.

- H. Compensatory time cannot be converted to cash, nor can it be donated to any other employee.

VI. Procedures

- A. The MCCMH Supervisor:

1. Shall establish reasonable procedures for scheduling and approving overtime and the accrual and use of compensatory time, including any forms or documentation requirements;
2. Shall schedule and approve overtime and the accrual of compensatory time;
3. Shall maintain a record of the overtime and compensatory time accrued and used by employees under his/her supervision; and
4. Shall follow the standards and procedures set forth in this policy in a consistent and reasonable manner.

- B. The MCCMH employee:

1. Shall earn overtime and accrue compensatory time in conformance with established procedures;
2. Shall document overtime and the accrual of compensatory time on his/her attendance record; and
3. Shall document the use of overtime and compensatory time on his/her attendance report.

VII. References / Legal Authority

- A. Fair Labor Standards Act, 29 USC 201 et seq.
- B. Michigan Minimum Wage Act of 1964, MCL 408.384a
- C. MCCMH MCO Policy 10-001 "Adoption of Macomb County Personnel Manual," § 2.6 Wage and Benefit Compensation
- D. AFSCME Local #411 Agreement
- E. Macomb County Human Resources / MCCMH Agreement on use of compensatory time by FLSA exempt employees, October 24, 1997 memorandum from Robert Slaine, former MCCMH Deputy Director

VIII. Exhibits

- A. None.