

Administrative Order



Administrative Order No.: 7-9

Title: Overtime Policy

Ordered: 10/1/1976

Effective: 10/1/1976

AUTHORITY:

Section 4.02 of the Metropolitan Dade County Charter.

SUPERSEDES:

This Administrative Order supersedes the previous No. 7-9 dated December 17, 1974.

POLICY:

The County will endeavor to employ its work force in the most efficient manner possible. The use of overtime raises the cost of government services to the public and should be avoided. When variations in workload, working schedules, or emergency situations require employees to work overtime, eligible employees will receive additional compensation.

APPLICATION:

The overtime policy applies to all non-job basis personnel except those engaged in fire protection activities, law enforcement activities (including security personnel in correctional institutions), or otherwise exempted from the maximum hours provisions of Section 7(a) of the Fair Labor Standards Act. Overtime compensation for fire protection and law enforcement personnel is set forth in the appropriate collective bargaining agreements except as further defined herein.

WORKING TIME:

All time that an employee is either required or permitted to work is working time. Accurate records shall be kept for all actual time worked by non-job basis employees, but in computing pay or charging leave time, actual time will be rounded to the nearest one-quarter of an hour except for employees within the Transit Agency bargaining unit whose time will be rounded to the nearest one-tenth of an hour.

WORKWEEK:

The workweek for all County personnel shall be from 12:01 A.M. Monday to 12:00 P.M. the following Sunday except for employees within the Transit Agency bargaining unit whose workweek shall be from 12:01 A.M. Sunday to 12:00 P.M. the following Saturday. The workweek as herein defined shall be the basis for determining overtime compensation except for employees engaged in fire protection or law enforcement activities.

OVERTIME:

The rate of time and one-half the employee's regular rate of pay shall be paid to all non-job basis employees except personnel engaged in law enforcement or fire protection activities for all hours worked in excess of forty (40) hours of work during the workweek.

EXCLUSIONS:

Personnel engaged in fire protection or law enforcement activities are excluded from the overtime provisions of Section 7(a) of the Fair Labor Standards Act by Section 7 (k) of the Act. This does not mean that these employees are not entitled to receive overtime compensation but merely that different standard are applied to these employees. Non-job basis personnel engaged in providing public safety services shall be entitled to receive overtime compensation as set forth below.

I. FIRE PROTECTION PERSONNEL

Employees engaged in fire protection activities shall have a work period of twenty-one (21) days. The first work period will begin at 12:01 A.M. Monday, December 30, 1974 and end at 12:00 P.M. Sunday, January 19, 1975. Subsequent work periods will continue in the same manner with the second such work period beginning at 12:01 A.M. Monday, January 20, 1975. Fire protection personnel shall receive overtime compensation at the rate of time and one-half of their regular rate of pay for all time worked in excess of one hundred and eighty (180) hours during the twenty-one (21) day work period. This shall not diminish overtime compensation that such employees are entitled to receive under Article Six of the October 1, 1974 Agreement between Dade County and Local 1403, International Association of Firefighters or any subsequent agreement as to overtime between the parties.

II. LAW ENFORCEMENT PERSONNEL

Employees engaged in law enforcement activities, including security personnel in correctional institutions, shall have a work period of twenty-eight (28) days. The first work period will begin at 12:01 A.M. Monday, December 30, 1974 and end at 12:00

P.M. Sunday, January 26, 1975. Subsequent work periods will continue in the same manner with the second such work period beginning at 12:01 A.M. Monday, January 27, 1975. Law enforcement personnel shall receive overtime compensation at the rate of time and one-half of excess of two hundred and forty (240) hours during the twenty-eight (28) day work period. This shall not diminish overtime compensation that such employees are entitled to receive the present Pay Plan overtime provisions or as a result of any future agreements as to overtime between the County and the Dade County Police Benevolent Association.

DUAL EMPLOYMENT:

The practice of employing County employees in more than one position within the County service shall be stopped except when specifically authorized by the Budget Director. The County is obligated to law to pay overtime to most classes of non-job basis employees when work is performed in excess of forty (40) hours per workweek. The fact that two or more jobs are involved is irrelevant. It is the work performed in excess of forty (40) hours per workweek for the same employer which determines whether overtime must be paid.

Dual employment, when authorized, shall be compensated as follows:

1. When the work in the secondary position, as reflected on the APA, is performed subsequent to the employee's regular workweek, overtime shall be paid for all time worked in excess of forty (40) hours during that workweek at time and one-half of the rate of pay of the work the employee is performing when overtime is earned.
2. When the work in the secondary position is intermingled with the employee's regular workweek so that any part of the hours of the secondary position fall within the regular workweek for the primary position, all time worked in excess of forty (40) hours during that workweek shall be paid at time and one-half of the weighted average of the rates of pay applicable to each position.

DEPARTMENTAL POLICY:

Departments shall minimize the use of overtime. Prior approval of the department head or his representative is required before overtime is permitted on a pre-planned basis. First line supervisory personnel should ordinarily have the authority to authorize the use of overtime under unusual or emergency conditions. Departments will provide for a review and audit of all overtime granted by first line supervisory personnel.

Department heads shall enforce work schedules within their department to prevent payment of unnecessary overtime. As overtime is required for all hours in excess of forty (40) hours during the workweek that the employee is permitted as well as required to work, liability for overtime compensation will accrue by allowing employees to perform work before or after working hours or during lunch periods. For

example, requiring or allowing non-job basis personnel to perform any work including, but not limited to, answering business phone calls during lunch periods can produce overtime liability.

COMPENSATORY TIME:

Compensatory time may no longer be granted in lieu of overtime payment. Outstanding compensatory time accrued may be utilized in the same manner as annual leave. Upon separation, all unused compensatory time shall be payable at the employee's current straight time rate exclusive of shift differentials.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Dewey W. Knight
Interim County Manager