



612 – 6TH ST., SUITE D
 PORTSMOUTH, OH 45662
 P: 740.355.8358
 F: 740.354.8623
 SCHD@SCIOTOCOUNTY.NET
WWW.SCIOTOCOUNTYHEALTH.COM

| <i>POLICY AND PROCEDURE</i> | |
|-------------------------------|--|
| SUBJECT/TITLE: | Scioto County Board of Health Compensatory Time/Overtime Policy and Procedures - Revised |
| MANUAL: | EMPLOYEE RESOURCES MANUAL |
| ORIGINALLY PREPARED BY: | Melissa Spears |
| REVISION PREPARED BY: | Melissa Spears |
| EFFECTIVE DATE: | 2/10/2023 |
| HEALTH COMMISSIONER | DR. MICHAEL E. MARTIN |
| REVIEW FREQUENCY: | 5 years |
| BOARD APPROVAL REVISION DATE: | 2/10/2023 |
| REFERENCE NUMBER: | G-18 |

Compensatory Time Policy and Procedures (O.A.C 123:1-43-02)(O.R.C 124.18)

Introduction.

The Scioto County Board of Health recognizes that employees may be requested to work after hours or on weekends in order to complete projects, meet job commitments, and/or make up for an employee shortfall. In response, the Scioto County Board of Health created this compensatory time policy to clearly outline when employees are eligible for compensatory (comp) time and to explain the company's compensation procedure.

Purpose.

The purpose of this policy is to (a) define the guidelines of comp time, (b) outline the comp time eligibility and authorization process, and (c) to explain the disciplinary action protocols.

Definition.

Scioto County Health Department employees are considered exempt employees through the Fair Labor Standard Act and the Ohio Revised Code. Exempt employees must meet the following three-prong test: (1) earnings are at least \$684 per week or \$35,568 per year; (2) are paid regularly and at a fixed rate proportionate to the annual salary regardless of the total hours worked; and (3) the employee is assigned tasks consistent with those performed in the administrative, professional, executive computer or outside sales fields. Anyone who does not



612 – 6TH ST., SUITE D
PORTSMOUTH, OH 45662
P: 740.355.8358
F: 740.354.8623
SCHD@SCIOTOCOUNTY.NET
WWW.SCIOTOCOUNTYHEALTH.COM

meet these criteria and earns and hourly wage is considered non-exempt and will earn overtime which is paid out at one and one-half the employee's regular rate of pay.

Exempt employees do not earn overtime; however, they are able to receive a benefit for working extra hours. The FLSA place no parameters or restriction on the award of non-FLSA compensatory time. Therefore, the Scioto County Board of Health offers its employees compensatory time, this may be earned at one and one-half hours of the time worked. The employees will not receive a payment for overtime hours.

There will be no cashing out of accrued but unused compensatory time at the time or retirement or termination of employment. Should an employee not be able to use his/her comp time within the allotted period of time that employee will lose those hours.

Compensatory time is defined as hours actively worked over forty (40) hours in a calendar week, and earn time and one-half for each hour(s) worked over forty (40) hours.

Hours worked over forty (40) active work hours in a calendar week are considered compensatory (comp) time and must have prior approval as such. Comp time hours must be scheduled by the supervisor and/or administration and should only be utilized when adequate time to meet the needs of the department cannot be obtained within a 40-hour work week. Any employee working after hours without the prior approval of the supervisor and/or administration shall be subject to discipline.

For purposes of this section, paid sick leave, paid holidays, paid vacation and other approved leave shall not be considered time worked. Time spent traveling to and from work and non-work time spent overnight on official health department business shall not be considered time worked for purposes of calculating comp time. Whenever an employee is required to work after hours or on a weekend in a week where he/she has taken sick leave, vacation, holiday or other leave time, the employee shall not be eligible for the comp time rate until he/she has actually worked forty (40) hours.

An employee must take compensatory time off within the year it is earned or if carried over to the following year, within the first ninety (90) days of the New Year. Compensatory time off shall be approved by the employee's director/ administrator or health commissioner, at a time mutually convenient to the employee and Department, as set forth in the ORC section 124.18.

Prevent. Promote. Protect.



612 – 6TH ST., SUITE D
PORTSMOUTH, OH 45662

P: 740.355.8358

F: 740.354.8623

SCHD@SCIOTOCOUNTY.NET

WWW.SCIOTOCOUNTYHEALTH.COM

Holidays

No employee is to work on any holiday or be in the department unless it has been deemed an emergency as per the Scioto County Board of Health.

Employees **required** to work on holidays will earn comp time at one and one-half hours per time worked.

Employees **required** to work on the holidays listed below who forfeit the day off will receive compensatory time off at the rate of one and one-half hours per time actively worked.

The Health Department observes the following as paid, legal holidays:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day

The legal holidays observed when an employee is absent due to vacation/sick are not charged against the employee's vacation/sick leave. Legal holidays do not count as hours actively worked, they do count in order to make a 40 hour work week. Any religious holiday not covered in above list may be taken and charged against vacation, compensatory time, personal day, or at the option of the employee, taken without pay.

Background.

What is compensatory time?

Compensatory time, also known as comp time, is the practice of employers giving employees paid time off to balance out hours the employee worked beyond their regular schedule.

Compensatory time is intended for occasional use as a response to irregular overtime hours.

Prevent. Promote. Protect.



612 – 6TH ST., SUITE D
PORTSMOUTH, OH 45662
P: 740.355.8358
F: 740.354.8623
SCHED@SCIOTOCOUNTY.NET
WWW.SCIOTOCOUNTYHEALTH.COM

Who can earn compensatory time?

Exempt employees who are paid on a salary basis can earn compensatory time if it is offered by employers. Government jobs and emergency responders like police, firefighters and EMTs frequently involve compensatory time because of their inconsistent schedules and long shifts.

Exempt and Non-Exempt Employees

Employees who meet the criteria outlined in Section 13(a)(1) of the Fair Labor Standards Act as defined by Regulations, 29 CFR Part 541 are considered Exempt employees
Exempt staff is eligible for compensatory time

Scioto County Health Department employees are considered *exempt*.

Scope.

This policy applies to all Scioto County Health Department employees. The Scioto County Board of Health defines "comp time" as any additional hours worked that exceed the required forty (40) active work hours per week.

The Scioto County Board of Health strives to ensure that employees are generally able to complete their work tasks within the regular work week. In case of emergency or unforeseen circumstances, an employee may be requested to work over 40 hours in a work week. Any time an employee is scheduled or requested to work over 40 hours, pre-authorization by the supervisor and the administrator or health commissioner is required.

It is not considered comp time if an employee works over 8 hours in one day. However, the total hours worked should not exceed 40 hours for that week (Monday through Friday). Compensatory time will be earned at the rate of one and one-half times hours worked over 40 within one work week (Monday through Friday).

Procedures for Working Overtime:

- Pre-approval in writing must be received at least 24 – 48 hours before working additional hours over the 40 hours per week. Approval must be given by supervisor/administrator/ or health commissioner.
- This written approval may be in email or hard-copy. A copy of the approval must be submitted to the Fiscal Officer who is also in charge of keeping record of all time earned.

Prevent. Promote. Protect.



612 – 6TH ST., SUITE D
PORTSMOUTH, OH 45662

P: 740.355.8358

F: 740.354.8623

SCHD@SCIOTOCOUNTY.NET

WWW.SCIOTOCOUNTYHEALTH.COM

- Compensatory time shall only be utilized when adequate time to meet the required needs of the department cannot be obtained within a 40-hour work week. In other words, if regular work was not completed within the day then an employee cannot stay longer to complete that day's work. In case of emergency or unforeseen circumstances, an employee may be requested to work over 40 hours in a work week.
- All office work is to be completed during regular office time. All employees must conduct work within the regular 40-hour work week.
- There are times when a work event happens after hours, this is expected and acceptable, however, these will not be a normal occurrence.

Examples:

- Doing inspections at events held on the week-end or after work hours.
- Conducting after hour clinics.
- Should an employee need to be in the office after-hours or on the weekend. Pre-approval in writing is also required for any extended time spent in the office.
Procedures for in-office time:
 - Upon arrival, enter office and email supervisor or administration that you are safely within the office. (You may also take a picture of your computer desktop screen and send to your supervisor or administration.)
 - When leaving, assure the backdoor is locked. Once you are safely within your vehicle send a text to your supervisor or administration notifying them that you are safe and leaving the office.

The health department is located in a county owned building on county property. Health department administration must be aware that you are in the building at a time when no other persons will be present, this is a safety and liability risk for the health department as well as the county. Should an employee be in the building without prior approval or administration knowledge disciplinary action will be taken.

Issues to keep in mind:

- Should you have an incident and are hurt, no one will be able to assist you.
- If you are here for a long period of time no one will know to check on you.

Prevent. Promote. Protect.



612 – 6TH ST., SUITE D
PORTSMOUTH, OH 45662

P: 740.355.8358

F: 740.354.8623

SCHD@SCIOTOCOUNTY.NET

WWW.SCIOTOCOUNTYHEALTH.COM

- If there is a needed response by the fire department and no prior approval has been given no one will know you are in the office.

Utilization of Accrued Compensatory Time

Employees may receive compensatory time off under the following conditions:

- Compensatory time off must be approved by the employee's supervisor at least forty-eight (48) hours prior to being used.
- All accumulated compensatory time must be used in the fiscal year it was earned. Those compensatory time hours not used by the end of the fiscal year must be used in the first ninety (90) days of the New Year.
- Health Department employees may accumulate compensatory time to a ***maximum of eighty (80) hours within one fiscal year.***
- Comp time opportunities shall be distributed as equally as possible among employees by consideration of classification, seniority and qualifications of those employees who normally perform such work.
- Upon termination of employment, any employee with accrued but unused compensatory time shall not receive a cash out payment for unused comp time. The employee is responsible to keep track and use comp time before other time off, as in before taking vacation or sick. Should an employee not be able to use his/her comp time within the allotted period of time that employee will lose those hours.

Record Keeping

- A. Comp time hours shall be entered and tracked on the health department's Compensatory Time Record Sheets. These records must be completed with the date, time, total number of hours worked, reason for working overtime that includes a statement of the activity for the overtime hours. The Compensatory Time Record Sheet must be signed by the employee and the employee's supervisor to validate the actual time worked.
- B. Completed and signed Compensatory Time Record Sheets are to be turned into the Fiscal Officer on the same day as Time Sheets for Payroll are due. This copy shall be attached to the original written Pre-authorization for the comp time work.
- C. Compensatory hours are kept and managed within the health department.

Prevent. Promote. Protect.



612 – 6TH ST., SUITE D
PORTSMOUTH, OH 45662

P: 740.355.8358

F: 740.354.8623

SCHD@SCIOTOCOUNTY.NET

WWW.SCIOTOCOUNTYHEALTH.COM

D. Should any other problems with payroll or time occur the Scioto County Health Department along with the Scioto County Auditor/Payroll Department shall follow all applicable laws, including, but not limited to the Fair Labor Standards Act, with respect to employee compensation, payroll, and other pay matters. The County shall make only deductions as permitted by the FLSA and other applicable law, and shall make a good faith effort to prohibit improper deductions from an employee's pay. On occasions, however, improper deductions may happen inadvertently due to human error or payroll processing.

The following process shall be followed for reporting of mistakes:

- In the event an employee determines that he/she has been compensated in error with regard to deductions from pay, the employee must, as soon as possible, notify the SCHD Fiscal Officer. The Fiscal Officer shall immediately investigate the error and notify the County Auditor/Payroll Department.
- If it is determined that an error occurred, the employee shall be compensated for the full amount of the shortage on or before the end of the next pay period. The amount of the reimbursement will remain subject to any deductions that applied during the pay period when the compensation would have initially been processed.

This policy shall replace **Section 3.07: Compensatory Time/Overtime Policy and Procedure** in the Scioto County Employee Human Resources Manual once approved by the Scioto County Board of Health.

REVISION DATE: 2/10/2023

Prevent. Promote. Protect.