

# Salt Lake County Human Resources Policy 5-200: Sworn Employee Compensation

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## **Purpose**

This policy outlines how Sheriff's Office Sworn employees are compensated for overtime and call-back duty.

## **I. Policy**

Salt Lake County complies with the overtime and compensatory time requirements of the [Fair Labor Standards Act \(FLSA\)](#). The Human Resources Division will determine the FLSA exempt and nonexempt status of positions. All other employees are covered in Human Resources Policy 5-100, Pay Practices.

## **II. Procedures**

### **A. FLSA Employee Classification**

1. The Human Resources Division will classify each employee as exempt or non-exempt under the [Fair Labor Standards Act](#).

B. Sworn employees will be paid overtime for hours worked in excess of a designated and assigned work cycle. Employees working a 7-day cycle will be paid overtime for all hours worked over 40. Employees working a 21-day cycle will be paid overtime for all hours worked over 120. Employees working a 28-day cycle will be paid overtime for all hours worked over 160.

### **C. Overtime Eligibility of FLSA Non-exempt Employees**

1. FLSA non-exempt employees may be granted compensatory time off in lieu of cash payment for overtime hours worked at a rate of one and one-half hours of compensatory time for each hour of overtime worked.

2. The Sheriff may elect to make cash payments for overtime instead of granting compensatory time off.

3. Paid leave will not be counted as time worked when calculating overtime at time and a half.

4. Employees engaged in emergency response or seasonal activities are allowed to accumulate no more than 480 hours (320 overtime hours actually worked) and all other employees no more than 240 hours (160 overtime hours actually worked). Overtime hours worked over these limits will be compensated in cash.

5. A FLSA nonexempt employee who separates employment will be compensated in cash for the balance of compensatory time owed. Payment will be made either using the average rate of pay received by the employee during the last three years or the final regular rate received by the employee, whichever is higher.

6. Compensatory time will be used within a reasonable time period not to exceed six months. Compensatory time not used within six months will be paid in cash.

7. An employee who requests compensatory time off will be granted leave within a reasonable period of time if operations are not unduly disrupted.

a. The Sheriff, commanders, and administrators may direct an employee to take compensatory time off.

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8. The Sheriff, if faced with unusual seasonal workloads, can request an exception to the six months compensatory time pay-out rule from the County Council. All hours accrued under this exception must be used or paid out within one year.
  9. An FLSA non-exempt employee may not hold a second job for the county.
  10. Sworn employees may not volunteer to perform the same service for the County that they provide on a regular basis as a paid employee. They may provide such services for a different government employer.
- D. Compensation for FLSA Non-exempt Call Back Duty
1. A non-exempt sworn employee who is called back to duty will be credited a minimum of three hours of work time. If a second call-out is responded to while completing the first call-out, only three hours will be credited unless the work requires more hours for completion.
  2. Overtime hours will be compensated at one and one half times the employee's regular rate of pay.
  3. Employees may be assigned and designated to be on-call at the discretion of the Sheriff or Administrator.
  4. On-call assignments will be assumed without additional compensable time except under conditions which fall within the FLSA restrictiveness test.
  5. When employees respond to phone calls not requiring a return to work while on an on-call assignment, they will be compensated for actual time worked when such time exceeds a cumulative total of 10 minutes or more in a twenty-four hour period.
- E. FLSA-exempt employees will be paid for overtime hours worked if a disaster or emergency is declared by the Mayor at the rate of one and one half times the regular rate of pay for actual hours worked in excess of their regularly scheduled hours as dictated by the work cycle.

### III. References

- A. Fair Labor Standards Act of 1938 as amended
- B. Human Resources Policy:
  1. 5-100, Pay Practices