



Health Services
LOS ANGELES COUNTY

POLICIES AND PROCEDURES

SUBJECT: OVERTIME

POLICY NO: 753

PURPOSE:

The purpose of this policy is to establish accountability and to provide a standardized policy and guidelines for overtime usage.

POLICY:

Overtime is time worked, requested or authorized by management, in excess of the number of hours regularly worked in the workweek. Departmental managers and/or supervisors may require employees to work overtime in accordance with County Code, Federal Fair Labor Standards Act (FLSA) and Memorandum of Understanding (MOU) provisions. However, overtime shall be kept to a minimum and used when it is the only alternative to meet workload demands.

AUTHORIZATION OF OVERTIME

Except in emergencies, all paid overtime requires prior approval by the CEO in writing.

Overtime must be requested and authorized in advance, in writing, and verified when completed at the end of the overtime. Overtime opportunities are to be distributed equitably among employees.

Managers and supervisors shall not enter into informal agreements with employees allowing unrecorded compensatory time. Managers and supervisors shall emphasize to employees that they shall not arrive to work early nor leave late as this may constitute a violation of FLSA. The employee may be entitled to overtime even if the manager or supervisor is not aware.

The Director of Health Services and/or Chief Deputy Director authorize the following managers or their designees to approve overtime within their approved overtime budget allocation.

- Director of Finance
- Administrative Deputy
- DHS Chief Medical Officer
- Hospital Administrators

APPROVED BY:
REVIEW DATES:

Griffin

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- Associate Hospital Administrators
- Chief Network Officer
- Facility Chief Medical Officer
- Administrator, DHS Human Resources

The Director of Health Services or his/her designee must approve additional overtime budget allocations.

Blanket Authorizations

When there is a need for use of overtime on a continuing basis and where it has been determined by the manager authorized to approve overtime that there is no other operational alternative to overtime, blanket authorizations may be requested for a specific number of hours, a specific time period, and/or a specific dollar amount.

All overtime requests shall be in writing and must include a justification addressing all of the following:

1. a description of the tasks to be performed,
2. the number of hours to be worked,
3. the reason(s) why the work cannot be completed during regular work hours,
4. the negative impact as a result of the inability to perform tasks or provide services; and
5. verification signature of manager/supervisor that overtime was performed or completed.

Only in cases of emergency may managers assign overtime without appropriate prior approval. Emergencies shall be defined as unforeseeable workload requirements directly related to patient care or the health and welfare of the citizens of Los Angeles. Chief Executive Officer (CEO) approval of emergency overtime shall be obtained as soon as possible after the overtime is worked.

ESTABLISHMENT OF WORKWEEK

Facility managers shall ensure that appropriate workweeks are established, including annual vacations and usage of overtime accruals for all work units, and that this information is communicated to DHS Human Resources (DHS HR) for CWTAPPS purposes.

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TIMEKEEPING PROCEDURES

DHS Policy 610, "Time Reporting," as amended, incorporates FLSA requirements and shall be applied in all instances.

MONITORING

1. Supervisor Review

Each supervisor shall monitor overtime usage and ensure that only pre-authorized overtime is worked. Each supervisor is also responsible for ensuring overtime appearing on employees' timesheets has been appropriately authorized and documentation exists to support that the overtime was worked.

Overtime shall be kept at a minimum. A recurring need for overtime must be reviewed. Alternative measures for mitigating the need for overtime (e.g., redistribution of workload, work schedule adjustment) should be investigated.

2. DHS Management will submit the Overtime Authorization Request forms to the CEO for approval on a quarterly basis.

MAINTENANCE OF OVERTIME APPROVAL RECORDS

Each division/program/department will be responsible for maintaining records of overtime approvals for a minimum of the current year plus 3, unless otherwise required or until audited. This includes overtime paid through grant funds. Overtime records shall be accessible for review by authorized staff.

METHOD OF COMPENSATION

1. Represented FLSA-Covered Employees

- a. FLSA-covered employees who are in bargaining units shall be compensated in accordance with FLSA and Memoranda of Understanding (MOU) provisions.
- b. FLSA-covered employees changing to FLSA Exempt, must be paid for all unused compensatory time off remaining on the books that occurred while the employee was on a FLSA-covered position.

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- c. FLSA-covered employee cannot accrue more than 240 hours of compensatory time (480 for law enforcement and certain seasonal jobs). All unused overtime will be paid when the employee terminates.

Under FLSA, all overtime "suffered" to be worked by a FLSA-covered employee must be paid whether or not it is authorized. Some examples include work taken home, work done at a desk while eating during the lunch period, or working performed at the end of a workday or shift.

2. Non-Represented FLSA-Covered Employees

Non-represented FLSA-covered employees who work overtime shall be compensated in accordance with FLSA provisions and County Code Pay Practices. Employees are also permitted to enter into an agreement, at management's discretion, prior to the work being performed to:

- a. Accumulate compensatory time off, in lieu of pay, at a rate of one and one-half hours for each hour of overtime worked to a maximum of 144 hours of overtime worked; or 240 hours of compensatory time off; this includes all FLSA compensatory time off earned, including any time earned before, or after the period between 10/01/93 and 6/30/94. Any overtime accumulated over 144 hours must be paid.

3. Physicians Subject to the Physician Pay Plan Provisions

Whenever it is medically required for a physician to be assigned by his/her department head to work overtime in excess of his/her workweek or workday and such work is performed at a County medical facility, he/she shall be compensated at his/her straight-time hourly rate unless he/she qualifies for the rate set forth in Section 6.08.240(c). All overtime shall be recorded at the physician's regular work location even though the overtime may be worked at some other work location. In such instances, the medical officers at both work locations shall agree in advance to the overtime at the second location. Overtime compensation requires prior authorization by the Chief Executive Officer.

At the discretion of the department head, a physician may accumulate compensatory time off in lieu of paid overtime on an hour-for-hour basis, to a maximum of 240 hours at any one time in a calendar year. One hundred forty-four (144) hours of such

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compensatory time off may be deferred to the next calendar year after which any time not used with the permission of the department head shall be lost.

In no event shall a physician receive compensation for overtime during a period of standby duty.

4. Non-represented, Salaried FLSA Exempt Employees

Non-represented, Salaried, FLSA exempt employees will be paid on a salaried basis to work a usual and customary workweek to indeterminate length and will continue to be assigned to specific work schedules as determined by management. If approved:

- a. Overtime must be authorized by the CEO and approved in advance by the department head.
- b. Overtime shall be accumulated at the straight time rate **only** if the employee works three (3) or more hours of continuous overtime on any work shift. No overtime credit is earned or credited for less than three hours of continuous overtime worked. Overtime must be used on an eight-hour basis and cannot be used on an hour-to-hour basis except where partial day absences are specifically permitted under the Family Leave Act.
- c. A maximum accrual of 240 hours (480 hours for FLSA Exempt Safety employees) at the end of each calendar year.
- d. There shall be no paid overtime for FLSA exempt employees.
- e. With prior management approval, FLSA exempt employees may use overtime previously earned in lieu of other time when taking a full shift off.
- f. FLSA exempt salaried employees shall not be paid for any compensatory time remaining to the employee's credit upon leaving County service.

Note: Compensatory time related to disaster activities only, may be paid at termination if specifically approved by the Chief Executive Officer.

TRAINING AND ACCOUNTABILITY

Mandatory training is required for all supervisors and managers, up through department heads, regarding FLSA overtime requirements. Anyone hired into a supervisory/managerial position will be required to attend this training. Each person who attends the training will be required to sign an acknowledgment that they have been trained and agree to comply with overtime requirements and will be accountable for ensuring all employees properly record overtime worked.

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The Administrator, DHS Human Resources is responsible to ensure each employee receives a copy of this policy at the time of new hire and annually during the performance evaluation process. Employee handbooks and discipline policies will reflect the standards contained in the policy and the need to comply with FLSA overtime provisions.

The DHS Administrative Deputy is responsible to ensure departmental budget requests accurately reflect projected overtime costs and managers/supervisors are periodically reminded of their responsibility to ensure FLSA compliance.

Any employee determined to violate the overtime provisions will be subject to appropriate disciplinary action, up to and including, discharge from County service.

AUTHORITY:

Fair Labor Standards Act
Applicable Memoranda of Understanding
Los Angeles County Code, Chapters 6.09, 6.15
DHR Interpretive Manual
County Fiscal Manual, Section 3.19 Controls over Overtime

CROSS REFERENCES:

Memo, Fujioka, William T, "Review of Overtime Policies and Practices and Compliance with the Fair Labor Standards Act," February 1, 2011
Memo, Schunhoff, John F., "Overtime Request Due Dates for Fiscal Year 2010-2011," April 22, 2010
Memo, Fujioka, William T, "Quarterly Overtime Reporting – Reasons for Overtime," February 9, 2010
Memo, Janssen, David E., "Overtime Compensation for Non-Represented Employees," 12/22/04
Memo, Reed, Sally R., "County Overtime Policy and Procedures," April 26, 1996
Memo, Fujioka, William T, "Accrual of Compensatory Time Off – Salaried Exempt Employees," 09/24/09
Board of Supervisors Policy 9.070, Overtime Policy
DHS Policy 610 Time Reporting

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