

**YAKIMA COUNTY
COMPENSATORY TIME POLICY
POLICY NO. HR-002**

I. PURPOSE

The objective of this policy is to establish minimum standards for the administration of compensatory time to comply with the Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (WMWA) for Non-Exempt employees. Nothing in this policy guarantees that a covered employee will be allowed to work hours which result in the payment of overtime wages or the accrual of compensatory time. The Human Resources Department is responsible for ensuring County compliance with the FLSA and WMWA. At all times, employees will be compensated for time worked.

This policy supersedes all previous Compensatory Time Policies and Procedures.

Provisions of negotiated collective bargaining agreements (labor contracts) take precedence over this policy to the extent applicable.

II. NON-EXEMPT (Eligible for overtime) POSITIONS

A. Department Heads and Elected Officials may, at their discretion, allow some or all of their employees who are eligible for overtime to accrue and use FLSA compensatory time in lieu of cash overtime compensation. Where a Department Head or Elected Official chooses to allow the accrual of FLSA compensatory time, they must follow all of the provisions of 29 CFR Part 553, Application of the Fair Labor Standards Act to Employees of State and Local Governments.

- 1) Employees must designate acceptance of FLSA compensatory time in lieu of overtime pay for each FLSA overtime eligible pay period or annual designated period. If there is not express acceptance of compensatory time, then the employee will receive cash payment for the time worked.
- 2) In cases where an employee is represented by a labor union, the collective bargaining agreement must contain a provision that allows FLSA compensatory time in lieu of overtime pay.
- 3) The employee shall receive cash compensation, at the employee's current rate of pay, for any unused FLSA compensatory time when employment with the County is terminated.
- 4) Employees shall be paid in cash for unused FLSA compensatory time at the employee's current position rate when a covered employee transfers from one County department to another or when a covered employee moves from a Non-exempt to an Exempt position. Payment to be issued on the pay period after election or transfer has been made and processed.

- 5) Employees shall be paid in cash for unused FLSA compensatory time when a position change results in a five percent (5%) or greater increase in pay, i.e., promotion, reclassification.
- B. FLSA compensatory time accrues at a rate of one and one-half hours for each hour a non-exempt employee works in excess of forty (40) hours in a work week. Accrued time may be taken as approved paid time off at a later date or cashed out in accordance with this policy and federal regulations.
- C. In addition to the provisions of the FLSA and its regulations, the following provisions apply to FLSA compensatory time:
- 1) All hours in a paid status shall be counted as hours worked for the purpose of determining whether overtime or FLSA compensatory time is incurred. Absent time in a paid status including holidays, paid leaves, and compensatory time taken off is counted as hours worked.
 - i. Time used under the WA State Paid Sick Leave (WPSL) will not be counted as hours worked for overtime purposes.
 - 2) Prior approval from the appropriate authority shall be required for a covered employee to work hours which may result in the accrual of FLSA compensatory time.
 - 3) An employee shall not accrue more than sixty (60) hours of compensatory time. Overtime hours worked by an employee that cause the employee to exceed this limit shall be compensated in the form of cash payment within the appropriate pay cycle or pay period.
 - 4) Employees shall report overtime hours worked on the time and attendance record reflecting the pay period in which the overtime hours were worked, so that the additional hours may be accrued as FLSA compensatory time.
 - 5) Overtime shall be recorded in no smaller than 1/4-hour increments. The fractional increment may be rounded up, provided that over a period of time, this practice does not result in the failure to compensate the employee for the entire time actually worked.
 - 6) Employees shall obtain supervisory approval for the use of accrued FLSA compensatory time. Accrued FLSA compensatory time may be taken off by the employee at a mutually agreeable later date during the employee's regular working hours, if the use of the compensatory time does not unduly disrupt the operations of the department. Where the interest of the County requires the employee's attendance, the County's interest overrides the employee's interest to take FLSA compensatory time off.
 - 7) Employees shall request FLSA compensatory time off in the County's official record keeping system at a rate equal to the time absence from the normally assigned shift.

D. In order to maintain control over staffing and operational expenses, Department Heads and Elected Officials shall retain the discretion to:

- 1) Establish a lower maximum accrual amount for a department than provided under this policy; and
- 2) At any time, pay the cash equivalent for all or any portion of a covered employee's accrued FLSA compensatory time balance; and/or
- 3) Require an employee to take accrued FLSA compensatory time off during any work week.

Adopted Copy Available at
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