

		<b>Policy #</b> <b>836</b>
<b>Subject:</b> Fair Labor Standards Act (FLSA) – Exempt Employees		
<b>Responsible Department:</b> Personnel Services		
<b>Effective Date:</b> 07/1991		<b>Revision Date:</b> N/A
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### 1. **Purpose**

To clarify County practices followed to ensure compliance with the Federal Fair Labor Standards Act (FLSA) pertaining to employees who are exempt from receiving time and one-half overtime pay.

### 2. **Authority**

Code of Federal Regulations, Section 541.118a, which pertains to FLSA, establishes the specific conditions for deductions in salary.

Personnel Ordinance Section 2.78.520 was written to be consistent with the Code of Federal Regulations.

### 3. **Scope**

This policy applies to County employees who are exempt from receiving time and one-half overtime pay.

### 4. **Policy**

Effective April 15, 1986 all public entities became subject to the provisions of the Federal Fair Labor Standards Act (FLSA).

Any class not eligible to receive time and one-half for overtime has been determined to be exempt from FLSA.

A requirement for an exempt employee under the act is that the employees' pay may not be subject to deductions for absences of less than one day.

### **Standards of Application**

Covered and Exempt Classes: The Department of Personnel Management determines which classes are covered and which are exempt from the federal Fair Labor Standards Act (FLSA).

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Employees in the general categories of management, supervisory (except those to whom the County has agreed to pay time and one-half), administrative (administrative service officer's, analysts, accountants, etc.), and professionals (attorney's, physicians, etc.) have been determined to be exempt from the Fair Labor Standards Act.

**Full days:** If an employee is absent for an entire day, the hours can be accounted for by 1) paid time off including existing leave balances, 2) partial paid time off, partial dock time, or 3) docked for the entire day.

**Paid Time Off:** Paid time off includes:

- a. Sick leave balance;
- b. Vacation leave balance;
- c. Compensating time off (CTO);
- d. Holiday in-lieu hours;
- e. Holidays;
- f. Family death leave;
- g. Jury duty time off;
- h. Military leave;
- i. Union time off;
- j. Educational leave;
- k. Management time off

**Partial days:** If an employee is absent for part of a day, the employee must be compensated for the entire day. The hours shall first be accounted for by paid time off as described in 4.2.1. If there are insufficient leave balances to cover the entire work period, the employee must be compensated for the remainder of the work day as paid administrative leave.

**Partial days off include:**

- a. **Tardiness:** Employees will not be docked for being tardy on days in which they work.
- b. **Insufficient leave balances:** Employees who do not have sufficient leave balances to cover an absence for a day in which they worked will not be docked for the partial absence.

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Examples of employee who could have insufficient leave balances:

- a. A newly hired employee, who normally works eight hours a day has requested three hours off to attend a graduation exercise for a close family member. If granted, the employee cannot be docked for the partial absence.
- b. An employee who normally works 6 hours a day just returned from a leave of absence, has exhausted all leave balances, gets a call from the baby sitter that the child is ill and must be picked up immediately. If the employee is required to leave, the employee cannot be docked for the partial absence.

### **Procedures**

Employee

- a. Requests time off in a manner prescribed by the department.
- b. Accurately record the number of hours on the Employee Time Sheet.

Operating Department

- a. Schedules work hours
- b. Approves or denies request for time off
- c. Ensures that no employee is docked on days in which there are partial hours worked.

### **5. Review** Not Applicable