



#22-0751

PERSONNEL POLICY

SUBJECT: OVERTIME AND COMPENSATORY TIME

DATE: ~~January 1, 2017~~ 2022

Number: 108-16

I. Statement of the Policy

It is the policy of Fulton County to properly compensate employees for all time worked, including payment of overtime and accrual of compensatory time, as allowed by and in accordance with applicable law.

II. Applicability

This policy and accompanying procedure apply to all employees who are “non-exempt” as defined in the Fair Labor Standards Act (“FLSA”) and may apply to exempt employees in certain circumstances as set forth herein.

A. Overtime Pay

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Non-exempt employees will be paid one and one-half (1.5) times their regular rate of pay for all hours worked in excess of the applicable maximum hours as listed below and as otherwise required by applicable state and federal law, unless the employee receives compensatory time for overtime work as set forth in this policy:

- 40 hours in one standard workweek for all non-exempt employees except those engaged in law enforcement or fire protection activities (as defined in 29 U.S.C. § 207(k));
- 212 hours in one 28-day work period for non-exempt fire protection employees (as defined in 29 U.S.C. §207(k)); or
- 171 hours in one 28-day work period for non-exempt law enforcement personnel (as defined in 29 U.S.C. §207(k)).

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

Paid time off such as sick pay, holiday pay, vacation pay, and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

All overtime work must be authorized in advance by the employee's supervisor. **Employees will be compensated for all time worked.** However, working overtime without prior authorization may result in disciplinary action.

The standard work week and 28-day work period discussed above are defined in the Work Week, Work Period, and Pay Period Policy.

B. Accruing Compensatory Time

Through the last work week and work period ending in 2022, non-exempt sworn law enforcement staff that work at the County jail or at any ancillary jail facility will be compensated for overtime work in the form of overtime pay only.

Thereafter, Fulton County may offer time off with pay ("compensatory time") in lieu of overtime pay for overtime work as provided by applicable law to a non-exempt employee to whom the County has provided sufficient notice under the law informing the employee that compensatory time will be provided in lieu of overtime pay as allowed by law.

Compensatory time shall accrue at the rate of one and one-half (1.5) hours for each hour worked in excess of the applicable maximum hours set forth above in Section II(A) or as otherwise required by applicable state and federal law. Paid time off such as sick pay, holiday pay, vacation pay and jury duty pay (where applicable) will not count toward hours worked for the purpose of determining overtime pay.

No Appointing Authority may approve or permit (i) a non-exempt employee (other than non-exempt public safety and emergency response employees, as defined by 29 U.S.C. § 207(o) and 29 C.F.R. § 553.24) to accrue more than 240 hours of compensatory time, and (ii) a non-exempt public safety or emergency response employee (as defined by 29 U.S.C. § 207(o) and 29 C.F.R. § 553.24) to accrue more than 480 of compensatory time. Upon accruing the applicable limit of 240 or 480 hours of compensatory time, Fulton County shall pay non-exempt employees overtime pay for overtime hours worked beyond the applicable 240 or 480 hours limit in accordance with this Policy.

III. Establishment and Implementation of Procedure

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.