



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy #	Related Policies: 29 U.S.C. § 203
Fair Labor Standards	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes	
CALEA Standard:	
Date Implemented:08/2022	Review Date:

I. Policy:

It is the policy of The Pawnee County Sheriff's Office to properly account for time worked and leave taken by non-exempt and exempt employees who perform work in excess of the established 171 hours in the 28-day period rule, and to comply fully with the provisions of the Fair Labor Standard Act (FLSA).

II. DEFINITIONS:

1. **"Alternative work schedule"** means a work schedule outside the regular eight-hour day work schedule. (i.e.: four ten-hour workdays).
2. **"Bona fide meal period"** means a rest period where the employee must be completely relieved from duty for purposes of eating regular meals. This is not considered work time and is not compensable.
3. **"Compensatory time"** is time given to an employee in lieu of overtime pay for hours worked in excess of the established 171 hours in a 28-day period.
4. **"Exempt"** means an employee who is not covered by the minimum wage and overtime provisions of FLSA.

5. **"FLSA"** means Fair Labor Standards Act.
6. **"Non-exempt"** means an employee who is covered by the minimum wage and overtime provisions of FLSA or is granted special non-exempt status.
7. **"Overtime pay"** is monetary compensation above a non-exempt employee's base pay for the hours he or she performs work in excess of the established 171-hour in a 28-day pay period.
8. **"Workweek"** means any fixed and regularly recurring period of 7 consecutive 24-hour periods. PCSO employees are assigned to rotating shift which require shift work and 24-hour coverage.
9. **"Adjustment"** is a change in an employee's regularly scheduled work hours and may be made before or after the extra work is performed and in consideration of the needs of the office, unit or facility. For example, if an employee who normally works 8 a.m. to 5 p.m. Monday through Friday has worked more than 171 hours in the 28-day period, the supervisor may excuse the employee from work. A workweek adjustment may only be made during the same 28-day period.

III. Implementation

- PCSO supervisors and employees shall make every effort to accomplish essential work within the regularly assigned work hours.
- PCSO shall utilize work adjustments whenever possible to avoid overtime work by employees, and, where work adjustments are not possible, to grant employees compensatory time for overtime hours worked.
- Any overtime worked by employees must be necessary to the continued effective operations of the agency and must be managed in the most efficient and economical manner possible.
- Supervisors are responsible for scheduling a work adjustment as necessary to avoid overtime pay or the accrual of compensatory time.
- The supervisor may consider an employee's preference for time off in workweek adjustments. However, the first consideration must be the needs of the agency. Supervisors are expected to make a reasonable effort to provide employees advance notice of any change in assigned work hours or days.
- Employees shall not earn compensatory time or overtime pay until they have reached more than 171 hours in a 28-day period.

- Compensatory time is accrued by the approved work month and shall be accrued and taken in 30-minute increments.

Non-exempt employees

- May be required to work overtime if it is necessary to meet business and emergency operational requirements and if work adjustment is not possible.
- Shall not work adjust or work in excess of 171 hours in a 28- day period without prior authorization from his or her supervisor. Unauthorized overtime time may subject an employee to disciplinary action.
- May be required at the discretion of the Sheriff or Undersheriff to accrue compensatory time in lieu of receiving overtime pay.
- Compensatory time and/or overtime pay is computed at the rate of one and one-half (1.5) times the regular or base hourly pay rate for each hour worked in excess of 171 hours in a 28-day period.
- Employees shall use compensatory time prior use of sick, vacation, holiday, PTO, or any other accrued leave.
- PCSO may pay a non-exempt employee for the balance of compensatory time accrued but not used within 190 days of accrual.
- PCSO shall pay an employee for the balance of accrued compensatory time upon termination of his or her PCSO employment.
- An employee shall request and obtain prior approval of the use of compensatory time. Compensatory time cannot be used in advance of its accrual.
- It shall be the responsibility of the of the employee to complete an accrual for time worked form and submit it to their supervisor with in 24 hours of the date accrued.

Exempt employees

- Are not eligible for overtime pay. May be required to work more than 171 hours in a 28-day period if it is necessary to meet business and emergency operational requirements and if work adjustment is not possible;
- Shall not work adjust or work in excess of 171-hours in a 28-day period without prior authorization from his or her supervisor. Unauthorized overtime time may subject an employee to disciplinary action.
- Are eligible for accrual of compensatory time when work is performed in excess of 171 hours in a 28-day period. Compensatory time is accrued at one (1) hour of compensatory time for each hour worked in excess of the 171-hour in a 28-day period rule.

- An employee shall request and obtain prior approval of the use of compensatory time. Compensatory time cannot be used in advance of its accrual.
- Exempt employees may designate whether they would prefer to use accrued compensatory time or annual leave for scheduled absences.
- PCSO shall not pay an FLSA exempt employee who is separating or has separated from PCSO employment for the balance of unused compensatory time, unless extenuating circumstances are present (i.e. the employee's position is one in which the demand prevents the employee from utilizing the accrued compensatory time or a prevailing market condition exists in a profession that an employee should be paid such compensatory time upon separation or if cannot be used prior to its expiration).

Recordkeeping and Reporting

- All employees shall record time worked on their timesheet on a monthly basis. Failure to input time may result in a delay of compensation. Falsifying the timesheet shall result in disciplinary action up to and including termination.
- The supervisor shall review and approve each employee's time. The supervisor's approval validates the time sheet of work performed by the employee. Falsifying the time sheet may result in disciplinary action up to and including termination.
- Employees shall be required to use leave for any tardiness or may request approval from supervisor for workweek adjustment.
- Employees shall document work performed by rounding to the nearest quarter hour. Employees may be disciplined for excessive tardiness.
- Upon accruing overtime it shall be the responsibility of the employee to complete a time worked for and present it to their supervisor within 24-hours of the date of accrual.
- Employees shall only be allowed to accrue 240 hours of comp time before they must be given cash payments for overtime hours. If an employee has accrued more than 240 hours of comp time, they may request a payout of comp time by completing a form and submitting it to the Sheriff's Office billing clerk and office manager. Employees with more than 240 hours of comp time may request payment of comp time only once per yearly quarter or as approved by the Sheriff and no other designee. The Sheriff's Office reserves the right to require an employee who has an excess of 240 hours of comp time to take time off in and effort to reduce the

number of comp hours. The Sheriff at his or her discretion may require the use of comp time for leave before vacation, holiday, or sick time. The Sheriff or his or her designee may refuse a comp time pay out request and instead opt for the employee to reduce their time or delay the payment based off the Sheriff's Office financial needs.

Daylight Savings Time

A shift worker on duty when standard time goes into effect may work an extra hour during his or her normal shift. Such workers shall be entitled to paid overtime, compensatory time, or a work adjustment, as applicable.

A shift worker on duty when daylight saving time begins shall have his or her shift reduced by one (1) hour and shall be paid for an 8-hour shift. The extra hour of pay is excluded from overtime payment or the accrual of compensatory time.

Any exception to this policy must be authorized in advance by the Sheriff or the Board of County Commissioners or any applicable state and federal law.