

# NEW CASTLE COUNTY

## PERSONNEL POLICY

**NUMBER** 5.16

**PAGE** 1 of 2

**DATE** 09/18/13

**SUBJECT:** OVERTIME COMPENSATION FOR APPOINTED EMPLOYEES OF THE EXECUTIVE BRANCH

**APPROVED:**

*Valencia L. Seeger*

**OBJECTIVE:** To provide clarification regarding compensation for hours worked in excess of the 40-hour work week by appointed employees of the Executive Branch.

**STATEMENT:** Due to the managerial, administrative and professional nature of their positions, Executive Branch appointees are responsible for fulfilling the duties of their positions regardless of the hours of work or the schedule of hours that may be necessary. The individual employee must exercise professional judgment in the management of the work load and work schedule, subject to the goals and objectives of the Department as established by the County Executive and Chief Administrative Officer. Any time in excess of the normal hours in a day or week shall **not** qualify for additional compensation, **unless approved in advance** by the Chief Administrative Officer. Compensatory time may be granted to non-exempt appointed staff in accordance with the federal Fair Labor Standards Act (FLSA) and Personnel Policy 3.16 Compensatory Leave – Earning and Usage.

### **DEFINITIONS:**

<u>Non-exempt</u>	Eligible for overtime under the FLSA
<u>Exempt</u>	Not eligible for overtime under the FLSA
<u>Not Covered</u>	Not covered under the FLSA

### **PROCEDURE:**

1. Non-exempt employees must follow the procedure for approval, earning and use of compensatory time as outlined in Personnel Policy 3.16 Compensatory Leave – Earning and Usage.
2. Employees who are classified as exempt under the FLSA, or who are not covered under the Act, may **only** earn compensatory time when approved in advance by the Chief Administrative Officer.

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3. In those cases where the Chief Administrative Officer approves compensatory time to be earned by an employee who is exempt or not covered, the accrual and usage of that time must be in accordance with Personnel Policy 3.16 Compensatory Leave – Earning and Usage.

**REQUIRED ACTION:** The general managers and appointed staff of the Executive Branch are responsible for compliance with this policy.

Established: 09/18/13