

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Revising the Tillamook)
County Employee Policy & Procedures)
to include a Non-Represented Non-)
Exempt 7(k) Public Safety Employee)
Policy)

ORDER #20-032

This matter came before the Board on the 24th day of June, 2020 at a regular meeting of the Tillamook Board of County Commissioners, at the request of Shawn Blanchard, Tillamook County Treasurer.

Being fully apprised of the records and files therein, the Board of Commissioners finds as follows:

1. The Revised Tillamook County Employee Policy & Procedures Manual was adopted by Board Order #07-091 on August 1, 2007 to reflect changes in Federal and Oregon State laws.
2. The Tillamook County Employee Policy & Procedures Manual needs to be revised to include a Non-Represented Non-Exempt 7(k) Public Safety Employee Policy.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

3. The Non-Represented Non-Exempt 7(k) Public Safety Employee Policy attached hereto, be included in the Tillamook County Employee Policy & Procedures Manual.

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4. This order shall remain in full force and effect until such time as the Board of Commissioners for Tillamook County shall revoke such authorization at a public meeting at which a quorum is present.

DATED this 24th day of June, 2020

THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

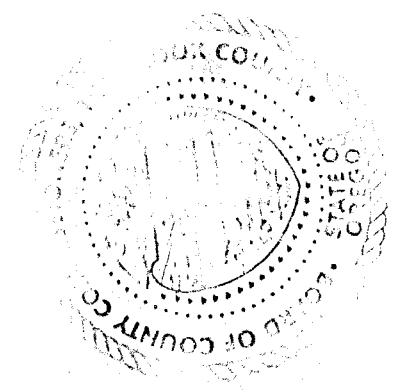
	Aye	Nay	Abstain/Absent
<u>Bill Baertlein</u> Bill Baertlein, Chair	✓	—	— / —
<u>Mary Faith Bell</u> Mary Faith Bell, Vice-Chair	⌘	—	— / —
<u>David Yamamoto</u> David Yamamoto, Commissioner	⌘	—	— / —

ATTEST: Tassi O'Neil
County Clerk

By: Isabel Gilda
Isabel Gilda Special Deputy

APPROVED AS TO FORM:

Joel W. Stevens
Joel W. Stevens, County Counsel





**TILLAMOOK COUNTY
OVERTIME POLICY FOR NON-REPRESENTED NON-EXEMPT
7(K) PUBLIC SAFETY EMPLOYEE**

This policy is established as of April 13, 2020 upon approval of the Tillamook County Board of Commissioners.

I. PURPOSE

This policy specifically addresses the condition and requirements for payment of overtime for non-represented non-exempt employees assigned to a FLSA 7(k) work period:

- WHO is eligible to receive compensation for overtime;
- WHEN an employee's work is considered "overtime";
- HOW overtime is calculated; and
- WHAT procedures must be followed.

II. DEFINITIONS

- Employees

Employees covered by this policy are for those non-represented non-exempt "law enforcement employees" as defined by the FLSA and as designated by the County under the 7(K) partial overtime exemption provision of the FLSA, who do not otherwise qualify for exemption from the FLSA overtime provisions as, for exempt, executive, administrative, professional, or seasonal recreational employees.

- Regular Rate

Compensation of overtime will be calculated according to requirements of the FLSA.

- Work period

When FLSA 7(k) work period will be a 28-day work period.

III. POLICY

Eligibility for Overtime

- A. FLSA 7(k) Work Period: For the Tillamook County Sheriff's Office, non-represented non-exempt employees may be assigned to a work schedule inclusive of a FLSA 7(k) 28-day work period. When the number of hours actually worked by law enforcement employees, exceeds one hundred and seventy-one (171) hours in the designated twenty-eight (28) day work period, and

those hours have been approved by the supervisor, the excess hours are considered overtime. For the purposes of overtime eligibility, "hours worked" that count towards the 171 hours required within the 28 days is defined below.

B. Hours Counted as Worked or Not Worked

1. Time spent by employees which will be counted as hours worked for purposes of determining overtime liability under the FLSA include:
 - Rest Breaks of fifteen (15) minutes or less.
 - Paid Meal periods.
 - Paid Leave (vacation, holiday, sick leave, and comp. time)
 - Time spent in attending mandatory training is counted as hours worked.

2. Consistent with applicable law, travel time spent traveling is counted as hours worked under the following circumstances:
 - Travel during the workday is considered hours worked if the employee is traveling from one job site to another job site during the normal workday and as part of the employee's principal job activity.
 - Out-of-town travel, which does not require an overnight stay, is considered hours worked if the time an employee spends traveling from home or work to an out-of-town destination is at the request of the County. However, travel time ceases when the employee reaches the destination and calculation does not include time spent traveling between home and an airport or railroad station, not time spent stopping for meals. Travel inclusive of an overnight stay is not compensable if outside of normal work hours and driving by the employee is not required by the County.

3. Approved attendance at lectures, meetings or training programs is counted as hours worked under the following circumstances where the training is permitted by the employer consistent with FLSA (29 CFR 785). Time attending lectures, meetings or training programs is counted as hours worked under the following four (4) circumstances:
 - Attendance is outside the employee's regular working hours; and
 - Attendance is voluntary; and
 - The lecture, meeting, course, or training program is not directly related to the employee's job as where the purpose is to prepare the employee for advancement through upgrading the employee to a higher skill; and
 - The employee does not perform productive work while attending the lecture, course, meeting, or while participating in the training program.

4. Time spent by employees which will not be counted as hours worked for purposes of determining overtime liability under the FLSA include:
 - Travel time between home and work.

C. Daily Overtime

Daily Overtime for 12-hour shifts: By policy, for non-represented non-exempt employees assigned to a 12-hour shift schedule, if an employee is approved to work more than 12 consecutive hours on an assigned shift, the employee will receive overtime for those hours worked over 12 hours. In this circumstance, only hours worked count towards the 12-hour benchmark. Hours worked includes paid breaks and meal periods, however, use of accrued leaves do not count as hours worked for this daily overtime provision.

1. Overtime Procedures

- a. Overtime approval: Approval by a supervisor to work overtime must be obtained prior to working additional hours.
 - b. Calculation: Overtime will be calculated in accordance with FLSA. For those employees subject to this policy overtime will be paid in hours worked in excess of 171 hours per 28-day work period or, as provided by this policy, when an employee works in excess of 12 hours in a shift.
- Rate – Compensation will be at 1 x 1-1/2 employee’s regular rate of pay.
 - Accrual – On a work period basis.
 - Recordkeeping – Overtime should be accurately recorded on a pre-approved timecard. The County will not be liable for overtime incurred which is not official recorded.

IV. COMPENSATORY TIME OFF

- A. Compensatory Time Off, hereafter referred to as “comp. time” may be taken in lieu of cash compensation for overtime accrual in accordance with the policy. Comp. time will accrue at the rate of 1-1/2 times the employee’s regular rate of pay.

For those employees not covered by a collective bargaining agreement, compensatory time accrued will be limited to 40 hours. Any overtime hours earned above this limit will be paid as compensation to the employee in the next regular payroll cycle.

If comp. time is to be used to compensate an employee for overtime, it is calculated at the following rate(s) and method(s) of accrual with the following maximum allowable hours carried on the books.

For those actual hours worked in excess of 171 hours in any given work period, comp. time maybe accrued at:

- Regular Rate - 1 x 1-1/2 hours for each hour worked
- Accrued - On work period basis
- Cap - Maximum comp. time balance allowed is 40 hours; any overtime worked above this cap will be monetarily compensated.
- Separation of Employment - When a law enforcement employee leave the County (for either voluntary or involuntary reasons), the County will compensate the employee for overtime accrued in accordance with this policy at the rate of 1-1/2 times the employee’s then regular rate of pay.

B. Approval of Use of Comp. Time

Supervisors must approve comp. time when it is accrued and before it is taken. This occurs by obtaining supervisor signature/initials on the compensatory time log. Supervisors further acknowledge approval of the use of comp. time when they sign the time sheets submitted monthly for payroll purposes thereby completing the official record of employee time. The comp. time log should be submitted to and initialed by the supervisor when employees submit timecards for payroll.

C. Logging Comp. Time Accrual and Usage

Comp. time accrual and usage must be recorded on a compensatory time log. This record notes the following:

- Work Period in which overtime/comp. time is accrued and/or used;
- Reason for overtime/comp. time accrual;
- Number of Hours accrued/used;
- Supervisor's Approval (signature).

The employee must also record comp. time as it is accrued and used on his/her timecard by using the appropriate hours code.