



Administration and Regulatory Affairs Department Policy

Exempt Employee Compensatory Time (Non-Extraordinary Circumstances)

Effective Date:

Upon approval

1. AUTHORITY

Chapter 14 of the City of Houston Code of Ordinances.

2. POLICY PURPOSE

To inform Administration and Regulatory Affairs (ARA) employees under what conditions compensatory time for exempt employee may be requested and the process for doing so.

3. SCOPE

This policy applies to all Administration and Regulatory Affairs Department exempt employees pay grade 26 and below.

4. DEFINITIONS

Director: The director of the Administration and Regulatory Affairs Department and/or his or her designee.

Eligible Employee: For this policy only, Exempt Employees who are eligible for compensatory time consideration by being pay grade 26 and below.

Exempt Employee: All employees of the City of Houston who are exempted from the overtime compensation requirements of the Fair Labor Standards Act of 1938, as amended and the pertinent regulations and opinions interpreting that act and who have been designated as such by the Human Resources director and the Civil Service Commission.

Off-the-Books Compensatory Time: The practice of accruing Overtime hours worked by Exempt Employees for later use as leave hours by any means outside of the City's official time and attendance system.

Overtime: For this policy only, hours worked in excess of the Eligible Employee's biweekly work schedule.

5. POLICY DETAILS

5.1. In accordance with Section 14-168(e) of the Code of Ordinances, Exempt Employees who are otherwise ineligible for overtime pay may be eligible for compensatory time on a straight time (hour for hour basis) for Overtime hours worked.

5.1.1. The granting of compensatory time to Eligible Employees must be under the recommendation of the Director and with the approval of the Human Resources Director.

5.1.2. The Exempt Employee must be pay grade 26 or below to be considered an Eligible Employee who can be considered for compensatory time.

5.1.3. Overtime hours worked will be considered only if under unusual circumstances:

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5.1.3.1. Additional hours not ordinarily required to perform the employee's regularly assigned task.

5.1.3.2. Work performed over a confined period of time due to a special project assignment or a condition of emergency.

5.1.4. Any request for compensatory time for Overtime hours worked must be approved by the Human Resources director prior to the Overtime hours being worked.

5.1.5. Accrual of Eligible Employee compensatory time is limited to no more than forty (40) hours per calendar quarter.

5.1.6. Use of Compensatory Time

Any compensatory time granted must be used in accordance with the HOPE Meet and Confer Agreement in effect at the time of accrual (within 180 days of its accrual or it shall be paid in cash per the 2018 HOPE Meet and Confer Agreement). Absent any provisions in the then-effective Meet and Confer Agreement, compensatory time granted must be used within 120 days or it shall be forfeited and have no cash value.

5.2. No 'Off-The-Books' Compensatory Time

5.2.1. Under no circumstances shall Eligible Employees engage in the practice of Off-The-Books compensatory time.

5.2.2. The accrual and usage of all compensatory time must be recorded in the City's time and attendance systems.

5.3. Alternative to Compensatory Time

5.3.1. A Supervisor/manager may, at his or her discretion, adjust an employee's schedule to account for the hours worked beyond his/her regular schedule while maintaining the total scheduled work hours for the biweekly pay period at 80 hours to avoid Overtime.

5.3.1.1. Example: an exempt employee is normally scheduled 8AM-5PM, Monday-Friday. The employee works until 8PM on Monday of the first week of the biweekly pay period. The supervisor may adjust the employee's work schedule for that pay period only so that the work schedule for that Monday is 8AM-8PM, and then shorten the work schedule for any of the remaining workdays in the pay period to 8AM-2PM, or any permutation thereof wherein the total scheduled hours for the pay period remains 80.

5.3.1.2. Any schedule adjustments must be within the same pay period in which the overtime hours were worked and cannot be carried forward to a future pay period schedule.

5.3.1.3. Schedule adjustments may be documented in the City's time and attendance system, but other forms of documentation are also acceptable.

5.4. Compensatory Time for Exempt Employees Pay Grade 27-29

5.4.1. Section 14-168(e) of the Code of Ordinances contains provisions allowing for the Mayor to expand compensatory time consideration to exempt employees pay grade 27-29. This policy does not address these provisions.

6. PROCEDURES

6.1. Requesting of Compensatory Time

6.1.1. Any Exempt Employee wishing to request compensatory time for Overtime hours worked shall submit a request and justification to the head of the division for his or her consideration. Internal division reporting hierarchies shall be maintained and respected with regards to the routing of requests.

6.1.2. Upon approval of the request by the head of the division, he or she shall prepare a Compensatory Time Request For Exempt Employees form (available from the department's Human Resources Client Services Manager).

6.1.2.1. The form shall include a detailed justification for why compensatory time is warranted.

6.1.2.2. The form shall be signed by both the requesting employee's supervisor and the head of the division in the field labeled "Supervisor Signature".

6.2. Routing of Request

6.2.1. The prepared form shall be routed to the Director's Office for approval.

6.2.2. The Director's Office shall route approved forms to the Human Resources Director's Office for approval.

6.2.3. Upon approval of the request by both the Director and the Human Resources Director, the form shall be routed to the Payroll Services Division of the Administration and Regulatory Affairs Department for processing.

7. COMPLIANCE

7.1. Compliance with this policy is mandatory. Failure to comply with this policy will result in no consideration of the employee's request for compensatory time off.

7.2. Violation of this policy's provisions for no 'off-the-books' compensatory time may result in discipline up to and including indefinite suspension.