

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 7.3 OVERTIME (OT)

EFFECTIVE DATE: 02/09/2017

REVISED DATE: 10/21/2019

This policy is designed to be consistent with the Fair Labor Standards Act (“FLSA”). Only non-exempt FLSA covered employees are eligible for overtime compensation. Overtime work is time actually worked in excess of 40 hours in any single workweek excluding any paid leave.

7.31 Prior Authorization of Overtime

A. Employees shall get prior authorization from their Department Head before working in excess of their scheduled workday/workweek.

B. Employees who work overtime without prior authorization shall be compensated for the time worked; however, they may be disciplined for failing to obtain prior authorization.

C. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work you perform for the Superior Court but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any time spent working will be subject to disciplinary action, up to and including dismissal.

7.32 Official Records

The Mohave County Payroll records shall be the official recognized records of time and overtime worked. It is the responsibility of the employee and their supervisor to ensure the time sheet submitted to payroll is accurate and reflects actual hours worked each day. If an employee believes that there is an error in the amount of pay on a paycheck, the employee shall promptly notify their Department Head so that corrections can be made. Any corrections shall be reported to payroll as soon as possible. Employees shall be notified of any corrections to their timesheet before being submitted to Payroll.

7.33 Distribution of Overtime

Overtime work shall be allocated as evenly as possible among all qualified employees and at the discretion of the Department Head. Preference may be given to those employees volunteering to work overtime, however, all employees are required to work overtime when requested.

7.34 Straight Time Off During Same Workweek

A. A non-exempt employee who works more hours in a day than their scheduled workday may receive time off during the same 40-hour workweek in order to avoid the payment of overtime. If the employee does not take the time off and works more than 40 hours, the overtime provisions shall apply.

B. Time off during the same workweek shall be granted on a straight hour-for-hour basis. For example, an employee who works 10 hours on Monday might work only six (6) hours on

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Tuesday (or only seven (7) hours on Wednesday and Thursday) to offset the two extra hours worked on Monday.

7.35 Compensation for Overtime

Non-exempt employees who work overtime shall be compensated by one of the following methods:

A. Direct Payment. Overtime is paid at the rate of 1.5 times the employee's regular hourly rate for each hour worked over 40 hours within the scheduled workweek.

1. If an employee has less than 40 hours of actual work in the workweek, regardless of the hours worked during one single day the employee is not eligible for overtime and all hours worked shall be paid at the regular hourly rate.
2. Overtime is only paid for "actual hours worked." Paid time off (PTO), holiday leave, bereavement leave, employee illness bank (EIB), etc., are not counted toward "actual hours worked" during a workweek.

B. Compensatory ("comp") Time.

1. Compensatory time is paid time off at the rate of one and one-half (1.5) hours of compensatory time for each hour worked over 40 hours within the scheduled workweek. If an employee has less than 40 hours of actual work in the workweek, the employee is not eligible for compensatory time.
2. A maximum of 60 hours of compensatory time may be accrued ("banked"). After an employee has accrued 60 hours of compensatory time, all subsequent overtime hours worked shall be paid at the rate of 1.5 times the employee's regular hourly rate. Accurate record-keeping of overtime hours worked and compensatory time credited on the employee's time sheets is mandatory.
3. Accrued compensatory time shall be used within a reasonable time frame. Should the employee fail to use the compensatory time, the Department Head, at their sole discretion, may direct the employee in writing which days they shall be taking off for compensatory time purposes.
4. Accrued compensatory time shall be exhausted before accrued PTO or EIB may be used.
5. Upon termination of employment, retirement, or change of status from non-exempt to exempt, an employee's accrued compensatory time shall be cashed out at the employee's current rate of pay.

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7.36 Hours of Work

- A. The normal workweek for full-time employees is forty (40) hours. The normal workweek begins on Saturday morning at 12:01 a.m. and ends at 12:00 midnight the following Friday.
- B. At the sole discretion of the Department Head, employees may be required to work a modified schedule.
- C. At the sole discretion of the Department Head, work schedules (to include shift rotations: day shift, swing shift, grave shift), may be changed at any time for the purposes of business necessity and without requiring the agreement of the employee.