

Survey to Chief APOs

Issue: Comp Time vs OT

Question (from Pike County):

Do any counties compensate employees with comp time rather than OT for hours worked in excess of 40 weekly or at least provide it as an option??

Adams County

In Adams, union employees are entitled to OT outside of their normal 40 hours (has to be authorized by Supervisor). They also have the option to choose Comp. They are only permitted to elect Comp in lieu of Overtime up to 60 hours.

Allegheny County

In Allegheny, POs, per CBA, earn comp after 8 hrs of work. Max amount they are permitted to hold are 48 hrs. Comp must be pre approved by a supervisor.

Berks County

In Berks, officer work 35 hours per week and earn OT after 98 hours in a day or after 40 in a week. They can take it in comp time or pay. The younger officers with less vacation time tend to take more comp time.

Bucks County

Bucks County PO's are unionized and work 40 hours/week. The only comp time opportunity they have is to work a holiday and use those comp hours on another day, but there are rules. Once the comp time shows up on their pay stub, they have to use it within 30 working days.

Carbon County

Non-union: Comp only; Union: They can choose either. At the adult side, all OT. On the Juvenile side, all Comp time. I always argue that with high caseloads, comp time is shooting yourself in the foot.

Chester County

POs work up to 40 hours a week. After that they are compensated time and a half, money or comp. time, their choice per union contract. OT must be approved in advance unless it's an emergency. Comp. time can be earned up to 120 hours at any given time.

Cumberland County

In Cumberland employees work 40 hours per week. According to the CBA , " An employee who works overtime shall be entitled to pay at overtime rate or compensatory time off, as determined by the employee. An employee may not accumulate more than 40 hours of compensatory time off at any time." The employees enjoy time off and overwhelmingly select comp time over OT.

Dauphin County

Dauphin's policy is identical to Cumberland's. The only difference is the CBA employees work 42.5 hours per week with an hour paid lunch. And, like Cumberland the CBA employees prefer comp time over OT.

Delaware County

Delco works 37.5 hours. PO has choice of OT or comp at time and one-half. Comp is maxed at 120 hours.

Erie County

Erie County policy (see Appendix). Optional to receive 1 ½ hours of compensatory time or paid overtime. Time not to exceed 22.5 hours.

Jefferson County

Jefferson County Probation Officers are covered by a CBA. We work 35 hours per week. Any hours over 35, which occurs regularly, to 40 hours is strait-time. Over 40 (rarely) is time and one-half the hourly rate. Hours must be approved by Chief or Deputy.

Lackawanna County

We follow the same procedure as Lehigh County on OT and Comp time.

Lancaster County

Lancaster's Comp Time (see Appendix). most of this is governed by FLSA. FLSA states that non-exempt employees must be "compensated" but I don't believe defines whether that compensation must be time or money as long as they are compensated.

Lebanon County

I would check with your county HR dept, however, I believe the FLSA (Federal Labor Standards Act) requires an employer to pay employees time and a half for all hours worked in excess of 40 hours a week.

I went through this with our dept a few years ago. We work a 37.5 hour work week so I permit them to earn only comp time up to 40 hours.

Lehigh County

Our employees (except supervisors) are union employees. If an individual works outside of their normal 40 hours, they are entitled to OT or comp (their choosing, we cannot dictate one or the other). The only caveat is all OT/Comp must be pre-approved except in the case of emergency (for example, an arrest goes past normal hours, court runs long, can't take a lunch due to unforeseen circumstances etc).

Luzerne County

In Luzerne County, officers work 35 hours per week. "All time in excess of 7.0 hours per day up to 8 hours in a day shall be compensated through compensatory time. Any hours in excess of 8 in one day shall be compensated at the overtime rate. In addition, all hours in excess of 40 in a one week period shall be compensated at the overtime rate. They do not get a choice.

Snyder County

In Snyder County the probation officers are 40 hour employees. Therefore, all additional hours have to be approved by myself or my deputy chief. There are instances where approval is not needed, but that is strictly for on call issues. All calls received by our on-call personnel are subject to OT and Comp. They are also compensated \$150/week when they are on call.

Our employees are able to carry 40 hours of comp time based on the county employee handbook. Therefore, if they are maxed out at 40 hours they are required to take pay. If not, they have the option of time and a half comp or OT. We are not unionized here in Snyder Co.

Since we moved from 35 hours to 40 in the past year our overtime has significantly decreased. As part of the move, I require my staff to perform at least one shift during non-traditional hours. All overtime is reimbursed to the county through probation funds.

Tioga County

Tioga's officers work 40 hours we let the officer choose between 1 ½ comp time or for it to be paid. They get 57.50 for weekday on call, 67.50 for weekend on call and 77.50 for holiday on call. If they are called out, they get time and a half pay at their salary rate. We do random drug court testing so we send two officers out for these after hour and weekend tests, the result has been an increase in OT and comp time. On average an officer makes around \$1,000 on call pay and \$1,000 overtime above their regular salary annually.

Venango County

We did away with Comp time a few years ago. All hours worked in excess of 40 is OT.

Westmoreland County

Westmoreland County is in the process of finalizing a policy for comp time. See attached draft policy. The court is already in approval and the HR department is in the process of having MOUs approved and signed by the unions. There are two unions – one for the officers and one for probation officer aides. The comp time is consistent with the overtime pay as per each union contract.

Those non-exempt employees have the option of overtime or comp time.

York County

York County provides comp time at the rate of time and a half for anything over 40 hours in a week. I will provide opportunities for OT pay for special projects or details on a limited basis.

ARTICLE 11 OVERTIME / ON-CALL / CALL-IN PAY**Section 11.1: Overtime Pay**

A. The Department Heads shall be the sole judge of the necessity for overtime. The Department Heads shall retain the sole and exclusive right to determine work schedules and the number of shifts required. All employees covered in this Agreement shall receive time and one-half ($1\frac{1}{2}$) their regular rate of pay for all hours worked over seven and one-half ($7\frac{1}{2}$) in one (1) day (and will be credited for that time on the day worked if the hours exceeding ($7\frac{1}{2}$) were preapproved by a supervisor) or thirty-seven and one-half ($37\frac{1}{2}$) in one (1) week. Hours actually worked (not to be pyramided) shall be counted as time worked in the computation of overtime.

B. Each department shall maintain a record of overtime hours worked by employees within that department. If practical in consideration of the efficient operation of the Courts, the Employer will attempt to equalize the opportunity for overtime being performed within the same job classification.

C. The Employer retains discretion to determine the number of employees, if any, within each classification that shall be used as overtime; moreover, nothing in this Article 11 is intended to restrict the Employer's right to limit work assignments to qualified employees. Individual departments may continue overtime scheduling practices consistent with operational needs.

D. The employee shall have the option, upon request, to receive one and one-half ($1\frac{1}{2}$) hours of compensatory time for each hour of overtime worked in lieu of paid overtime which shall not be accumulated in excess of twenty-two and one-half ($22\frac{1}{2}$) hours.

Section 11.2: Meal Break: In the event an employee is required to work beyond his/her normal work day and management anticipates that a minimum of four (4) additional hours of work will be required, employees will be given a meal break of one-half ($\frac{1}{2}$) hour with pay. The meal break shall be scheduled within said four (4) additional hours; however, if management determines, at its sole discretion, that a meal break cannot be scheduled because of the operational needs of the department, the employee shall be paid ten dollars (\$10.00) in lieu of said meal break. The payment shall not be included in the regular rate of pay, nor shall it be included in the calculation of overtime or premium pay.

Section 11.3: On-Call (Pager) Pay: An employee who either volunteers or is assigned on-call electronic pager duty, as defined in Appendix "B", shall be compensated at his/her hourly rate for the thirty-two (32) hours of the duty period, and at the employee's hourly rate for all telephone response time in accordance with the formula set forth in Appendix "B", and at one and one-half ($1\frac{1}{2}$) times the employee's hourly rate for all direct time expended if the employee must leave his/her residence on official business. All communication costs incurred for the equipment, its use and its maintenance shall be paid by the Employer.

Section 11.4: Call-in Pay: Any employee who is called in to work at a time when he/she is not regularly scheduled to report for work shall receive a minimum of four (4) hours of pay at time and one-half ($1\frac{1}{2}$) of their regular rate of pay and, if the employee's services are needed for more than four (4) hours of work, the employee shall continue to be paid at time and one-half ($1\frac{1}{2}$) of the employee's regular rate of pay. An employee on regular schedule reporting for work shall receive call-in pay only to the start of the employee's regular start time.

ARTICLE C1

COMPENSATORY TIME/OVERTIME - NON-EXEMPT EMPLOYEES

- Section C1.1 The purpose of this article is to provide full-time non-exempt employees with compensatory time off or overtime pay for time actually worked beyond their regularly scheduled work week.
- Section C1.2 All full-time non-exempt employees (as defined in the United States Fair Labor Standard Act; clerical, technical and general labor employees who work over 40 hours per week are eligible to receive time and one-half) are covered by this article.
- Employees may be required to work overtime from time to time as business needs mandate. Failure to work overtime as directed may result in disciplinary action. Unapproved overtime is unacceptable and may be cause for disciplinary action, up to and including dismissal from employment.
- Section C1.3 Employees who are required to work more than thirty-seven and one half (37½) hours but less than forty (40) hours per week are eligible to receive compensatory time off on an hour for hour basis or straight-time pay for hours actually worked. Compensatory time may not be mandated by the Court.
- Section C1.4 Employees who are required to work more than forty (40) hours per week are eligible to receive compensatory time off at the rate of time of one and one-half (1.5) hour for per hour worked over 40 hours or shall be paid time and one half (1.5) their straight time rate of pay for all hours actually worked over forty (40) hours. Compensatory time may not be mandated by the Court.
- Section C1.5 All full-time non-exempt employees are required to submit requests for accrual and use of compensatory time electronically, using PeopleSoft, to their Supervisor/Department Director/Magisterial District Judge for approval/disapproval.
- Section C1.6 Sick leave and family care leave, paid or unpaid, and all unauthorized hours are excluded from hours actually worked for the purpose of computing overtime hours in that work week. All other paid time; designated holidays, bereavement, jury duty, personal leave and vacation, will be considered hours worked when calculating overtime hours.

APPENDIX: Lancaster OT Policy

- Section C1.7 Compensatory time can be accumulated up to 45 hours. All Court employees must be paid for all unused compensatory time at the last pay period of the year or at termination, whether voluntary or involuntary.
- Section C1.8 Full-time non-exempt employees working for two County departments receive overtime or compensatory time at 1½ rate when the combined hours exceed 40 hours per week, except when the one job is (1) on an occasional or sporadic basis; (2) at the employee's options; and (3) in a different capacity from any in which the employee is regularly employed by the County.
- Employees working in different departments must notify each department of the scheduled work hours in the other department. Additional rules may apply for full-time non-exempt employees who work two jobs for the County. Contact the County Office of Human Resources for guidance in processing pay for atypical work scenarios.
- Section C1.9 On-call status is used to define periods of time when an employee is off duty, but is required to respond to a call or page within a specified period, resulting in the employee being unable to effectively use such time to attend to his/her own personal activities. The employee shall receive additional compensation for on-call status as determined by the Department Director/Magisterial District Judge. For non-exempt employees, on-call pay does not include time worked as a result of a work related call. Time worked during on-call shall be compensated separately from on-call pay following Fair Labor Standards Act requirements.