

Document Type: Regulation
Number: 3.25a
Effective: 05-01-06
Revised: 07-01-06
10-01-06
10-01-07
09-05-08
07-13-09
12-02-11
05-12-14
01-01-17
08-09-22
09-25-22
10-18-24
Legal References: 29 CFR 553.20,
531,548,551,778,7
85,790, et seq.
I.C. 45 606-609

WAGE PAYMENT AND OVERTIME

I. INTRODUCTION

The following regulation outlines the city's process for the payment of employee wages. This regulation applies to all city employees however certain portions of the wage payment process applicable to bargaining unit employees may be governed by the provisions of the applicable collective labor agreement.

II. THE FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) requires all employees to be classified according to the provisions of the law. Therefore, for purposes of paying any compensation, all employees are classified as either "Exempt" or "Non-Exempt." Exempt refers to employees who are not covered by and are "exempt" from the FLSA's overtime requirements. Non-exempt refers to employees who are covered by the FLSA and earn overtime pay or compensatory time at a rate of one and one-half times their regular hourly rate for actual hours worked in excess of forty (40) hours in one FLSA work week. All determinations of an employee's exempt/non-exempt status are made through the job evaluation process that Human Resources conducts.

A. Workweek

Except for Fire Contract Shift employees, the City of Boise designates all employee FLSA workweeks to be 12:01 a.m. Sunday through midnight Saturday. 9/80 schedules are not permitted for exempt or non-exempt

employees. The FLSA workweek has been designated by the city and it shall not be changed for the purpose of avoiding overtime payment.

B. Trading Shifts

A department director may allow employees to trade shifts if it will not create an overtime situation in terms of hours worked and provided that: (a) it is voluntarily agreed to by both employees and (b) it is at the employees' request.

C. Volunteered Time

Non-exempt employees of the city shall not "volunteer" time for the purpose of avoiding overtime. Any questions regarding the appropriateness of volunteering time should be directed to Human Resources.

III. WAGE PAYMENT SCHEDULE AND PAYROLL DEDUCTIONS

The city pays on a bi-weekly basis. Most payroll deductions will be taken over 24 pay periods rather than 26 pay periods. This means in the two months where employees receive three pay checks, certain deductions will not be taken on the third paycheck. This group of deductions includes health related items and insurance contributions; consequently, the corresponding Wellness Credit will also not be included on the third paycheck of the month.

There are some exceptions:

1. Court mandated items such as garnishments, levies and child support may be taken on every paycheck, even if the deductions are voluntary.
2. Deferred compensation contributions will be taken on every paycheck.
3. PERSI contributions.

Changes in an employee's tax withholdings as identified on the W-4 form shall be submitted to Human Resources by the first day of the pay period to be effective on the pay date of that pay period.

The city does not issue pay advances.

IV. PAYMENT FORM AND EARNING STATEMENTS

The city pays employee wages through direct deposit to the employee's personal bank account or with a paycheck that is mailed to the employee's home. To sign up for direct deposit, an employee shall provide Human Resources with a signed Direct Deposit form. Direct Deposit forms may be found on the city's Inside web

page under Documents. To discontinue direct deposit, an employee shall submit a signed and dated notice to Human Resources indicating the pay period in which it is to be effective. Once initiated, the service continues each pay period until the employee separates employment, begins an unpaid leave of absence or otherwise elects to discontinue the service.

Employees can access their pay stubs electronically through the Employee Self Service link on BoiseHome. No hard copy pay stubs are produced by the city.

Final paychecks are issued on the next regular payday or in ten days (excluding weekends/holidays) whichever is sooner. If the employee gives HR Payroll a written request for earlier payment, the employee will be paid within 48 hours (excluding weekends/holidays) of receipt of the request or the last day worked, whichever is later.

V. MANDATORY DUE DATES

A payroll processing schedule is posted on BoiseHome. The official schedule makes exceptions related to holidays and operational necessities, but generally is based on the following sequence of events:

- A. Wages are paid on alternate Wednesdays.
- B. Supervisors shall approve time records for payroll processing by the end of the workday on Tuesdays.

Timely reporting of hours worked is essential to payroll processing. Employees who fail to complete timely and accurate time records create administrative burdens for other employees, contribute to wage-payment errors, and threaten the integrity of the city's internal accounting systems. Therefore, all employees shall meet all payroll due dates and times.

VI. REPORTING TIME

All time records must be accurate, complete, and submitted on time to ensure that employees' wages are calculated correctly. By clocking in and out and/or by diligently recording any deviations from their regular work hours on their time record, employees are certifying that their time record accurately reflects their hours worked and absences. For this regulation the term "time clock" shall include the equipment and/or systems used to record an employee's hours of work for the city's payroll. Employees shall observe the following rules with respect to reporting their time:

- A. All non-contract, non-exempt employees shall clock in at the beginning of their workday and clock out at the end of their workday. Some employees may be required to clock out at the beginning of a lunch break and clock in at the end of a lunch break.

- B. Non-exempt employees shall report and record on their time record any period of leave or break from work that lasts more than 20 minutes. Note: The city's Hours of Work and Break Periods regulation limits non-exempt employee work breaks to 15 minutes.
- C. Non-exempt employees shall not work off-the-clock (i.e., before they have clocked in or after they have clocked out).
- D. The city's timekeeping system rounds time to the nearest 15 minutes. This means if a non-exempt employee clocks in anywhere from seven minutes before their start time to seven minutes after their start time, the employee will be paid as if they arrived at the exact starting time. This is strictly a timekeeping feature that relates to pay. All employees are expected to abide by scheduled work hours.
- E. Employees are prohibited from clocking in or out for another employee.

Exempt employees are not required to fill out daily work records; however, they are required to accurately record any leave or compensatory time taken, and any compensatory time worked. Elected officials, the mayor's office exempt staff, senior managers, command staff, and department directors are not eligible for compensatory time, so they are only required to record when leave time is taken.

Some departments may require exempt employees to clock in and out daily. Exempt employees who are required to do this will be paid their regular salary regardless of hours worked unless otherwise permitted within city policy and applicable laws.

An employee who is or will be absent on the date time records are due, shall contact their supervisor or the supervisor's designee to coordinate the accurate preparation of the employee's time record.

Supervisors or designee shall review the hours worked recorded by their employees for completeness and accuracy and approve each time record. Supervisors who will be out of the office on the date time records are due, shall arrange with their supervisor or an authorized designee to ensure their time record duties are carried out in their absence. Supervisors also are responsible for entering a time record for any employee who failed to complete a time record and is out of the office on the day the time record is due.

Prior pay period adjustments shall only be permitted under the following circumstances:

- A. The employee was scheduled to be off, but actually worked;
- B. The employee was scheduled to be at work but was actually off.

No other prior pay period adjustments shall be made without authorization from the HR Payroll Manager.

VII. OVERTIME AND COMPENSATORY TIME

Regular employees who are non-exempt under the FLSA and applicable state wage and hour laws are eligible for either overtime pay or compensatory time at a rate of one and one-half times their regular hourly rate for actual hours worked in excess of forty (40) hours in one FLSA work week. Temporary non-exempt employees are eligible to earn overtime but are not eligible to earn compensatory time. As a condition of employment, the city retains sole discretion to provide non-exempt employees with compensatory time off in lieu of cash overtime.

Part-time non-exempt employees are not eligible for overtime pay or compensatory time until they have worked over 40 hours in their FLSA work week.

A. Paid Holidays

Paid holidays shall not be counted as hours worked for the purposes of overtime/compensatory time for both exempt and non-exempt employees. Other paid leaves of absence, including but not limited to compensatory time, floating holidays, sick leave, and vacation leave, shall not count as hours worked for purposes of determining overtime or compensatory time eligibility.

B. Extra Hours

When required by heavy work demands or customer service needs, the city can require any employee to work extra hours. The city will attempt to give at least one day's notice when extra hours must be worked, but reserves the right to require any employee, exempt and non-exempt, to work extra hours when the need arises.

C. Overtime/Compensatory Time Authorization and Use

Employees shall seek and receive authorization from their supervisor, or designee, prior to working overtime or accumulating compensatory time.

Employees are expected to seek prior approval from their supervisor to use compensatory time. The supervisor shall allow an employee to use the employee's accrued compensatory time within a reasonable amount of time after requested, provided such use does not unduly disrupt the operation of the department or work unit.

D. Compensatory Time Eligibility and Accrual

Elected officials, the mayor's office exempt staff, senior managers, command staff, department directors, and temporary employees are not eligible for compensatory time.

Non-exempt regular employees are eligible to accrue compensatory time but are not authorized to accrue more than 100 hours of compensatory

time. Non-exempt employees who have accrued 100 hours of compensatory time shall be paid for any additional hours worked in accordance with the city's overtime procedures. All hours of work and overtime hours of non-exempt employees shall be recorded in the timekeeping system and handled in accordance with the law and city regulation.

Exempt regular full-time employees may accrue compensatory time at the rate of one (1) hour for each hour worked in excess of the employee's standard hours of work in the designated FLSA workweek, not to exceed 160 hours. Regardless of the 160 compensatory time accrual limit, exempt employees are expected to work as necessity dictates. Compensatory time for exempt employees is a benefit that the city offers and is not required under the FLSA. Exempt employees are expected to work regularly scheduled hours as identified by the supervisor. There is no entitlement to compensatory time for exempt employees. The city reserves the right to make changes to or to cancel this benefit at any time. Nothing in this regulation shall create an employment contract or be construed to modify the employment relationship between the city and the employee, or to restrict the city's management rights.

Department directors may set lower compensatory accrual limits for either exempt or non-exempt employees. If an employee works over the department's compensatory time limit with supervisor approval, the employee shall receive compensatory/overtime for the hours worked, in accordance with the city's regulation. If the employee did not receive supervisor approval the employee is subject to discipline; however, all hours that a non-exempt employee works must be recorded in the time-keeping system.

E. Payoff of Accrued Compensatory Time

All non-exempt employees' unused, accrued compensatory time balances, in excess of sixty (60) hours shall be paid down toward the end of each calendar year. HR Payroll will determine the date of the pay down each year. No payment shall be made for the first 60 hours of accrued compensatory time until separation of employment or as allowed in this regulation.

Employees promoted from non-exempt to exempt positions shall be paid for accrued compensatory time prior to their promotion. Non-exempt employees shall be paid for all accrued compensatory time when:

1. Changing to a lower paying position and/or
2. Changing departments or funds

Exempt employees shall not receive cash payment for compensatory time while employed or at time of separation. There is no monetary or other value associated with compensatory time accrued by exempt employees.