



City of Vernon, California
Human Resources Policies and Procedures

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SUBJECT: HOURS OF WORK

PURPOSE:

To provide uniform guidelines for the application of State and Federal laws including the Fair Labor Standards Act (FLSA) and to provide guidelines for modified work hours for City employees.

POLICY:

The standard work week for the City of Vernon begins at 12:00 a.m. on Sunday and ends on Saturday at 11:59:59 p.m. In accordance with FLSA, hours worked include all hours that an employee is "suffered or permitted to work" for the employer (29 U.S.C., §203(g)). Hours worked also include time during which an employee is "necessarily required to be on the employer's premises, on duty or at a prescribed work place" (29 C.F.R. §785.7).

A. Exempt Employees

Employees employed in a bona fide executive, administrative, or professional capacity may be considered "exempt employees" under the FLSA. The work week for full-time employees designated as FLSA exempt is generally considered to be 40 hours, and for part-time exempt employees the proportion of 40 hours equivalent to the appointment percentage. FLSA exempt employees do not receive overtime compensation or compensatory time off. The hours of work for exempt employees shall be those necessary to fully perform the work assigned and the requirements of the classification, and exempt employees may be required to work extended hours in excess of their normal work week as part of their regular compensation.

While exact hours are not tracked, performance issues may arise if exempt employees do not meet the desired performance objectives as a result of not working the hours required to complete their job duties. Department Heads are responsible for setting and monitoring accountability expectations.

B. Non-Exempt Employees

1. Standard Work Week

Under the FLSA, the standard work week for non-exempt employees, other than public safety, can be defined as any seven (7) consecutive days during which an employee is regularly scheduled to work forty (40) hours or less.

For public safety employees, the standard work period can be any regular and recurring work schedule between seven (7) and twenty-eight (28) days.

Eligibility for overtime pay is based upon the number of hours worked in the work period, as defined by applicable provisions of existing Memoranda of Understanding, policies contained in the Personnel Policy and Procedure Manual, and the FLSA.

2. Standard Work Schedule

The City employs a 4/10 work schedule for employees assigned to work between Monday – Friday shifts. The basic work schedule consists of four (4) consecutive 10-hour days within the seven (7) calendar day work week. Variations to the 4/10 work schedule can be found in respective Memoranda of Understanding.

Departments are expected to approve work schedules and monitor the hours worked by employees, since any work performed by the employee, whether or not it has been authorized or approved in advance, may be counted as hours worked. Employees that do not receive approval of overtime, prior to working the overtime, may be disciplined for insubordination in accordance with the City's policy for working unauthorized hours.

3. Modified Work Schedule

In order to meet the scheduling and operational needs of departments, a different work schedule other than the standard work schedule of Monday through Thursday, 7:00 a.m. to 5:30 p.m. may be allowed, with the concurrence of the department head, Human Resources Director, and City Administrator

The City's intent regarding modified work schedules is for use only when suited to the department's and the City's operational needs. Any existing modified schedules may be ended based on operational needs of the department,

The modified work schedule for full-time employees can be any combination of work days that allows an employee to be scheduled for forty (40) hours of work in a standard work week.

The beginning of the work week may only be changed if the change is intended to be permanent and is not designed to avoid paying overtime. Once a different

work week is established for an employee or group of employees by changing the beginning of the work week, it remains fixed regardless of the employee's work schedule.

Departments considering a modified work schedule for employees should address the following criteria:

- i. The office functions and activities shall be adequately maintained and services shall be available to the public between normal operating hours.
- ii. The modified work schedule shall not impede organizational efficiency or require overtime to maintain adequate office coverage.
- iii. The modified work schedule shall increase organizational efficiency or hours the office shall be open to the public, encourage ride sharing and trip reduction, thereby reducing traffic congestion and car pollution, and increase employee morale.

Any changes to work schedules or modified work schedules shall be subject to provisions as identified in applicable Memoranda of Understandings between the City and the recognized employee organizations and/or collective bargaining obligations.

PROCEDURE:

Responsibility

Action

City Administrator

1. Approves the standard work week for the City and deviations therefrom.

Department Head

2. Recommends changes to the standard work schedule for approval by the City Administrator.
3. Determines the means and manner by which hours of work are documented and approves authorized work schedules.
4. Sets forth criteria for the authorization and use of overtime.
5. Ensures that no supervisor shall engage in a willful or any other violation of the Fair Labor Standards Act (FLSA).

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| Finance Department | 6. Notifies the City Administrator and Human Resources Department of changes to any regular, modified or flexible work schedule(s). |
| Human Resources Department | 7. Approves the form on which hours of work are recorded. |
| Finance Department/Payroll Division | 8. Monitors compliance with the FLSA. |
| Human Resources Department | 9. Reviews deviations from the standard work week, changes to existing work schedules, and notifies Human Resources of any changes. |
| Supervisor | 10. Offers training and consults with departments regarding the adoption of modified or flexible work schedules. |
| | 11. Documents the work schedules for all employees in accordance with established guidelines. |
| | 12. Recommends changes to established work schedule through the chain of command to the department head. |
| | 13. Assumes responsibility for documenting all overtime worked by employees under his/her supervision. |
| | 14. Maintains records of all hours worked including paid time counted as hours worked for purposes of overtime. |