

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE OVERTIME POLICY AND THE ADDITION OF THE POLICY AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK

WHEREAS, Brewster Village Council desires to adopt an Employee Overtime Policy and to modify the Village Employee Handbook to include an Employee Overtime Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt an Employee Overtime Policy as defined below and shall add Section 3.05 - Employee Overtime Policy to the Village Employee Handbook as follows:

3.05 Employee Overtime Policy

There will be times when the Village of Brewster cannot meet its operating and service requirements or other needs during regular working hours. When this happens, employees will need to work overtime so that the Village of Brewster is able to successfully deliver services and meet the needs of the general public.

(A) Overtime and Overtime Rate of Compensation

Employees will receive overtime pay in accordance with federal and state law.

When any employee is required or permitted by an authorized administrative authority to be in an "active pay status" for more than forty hours in any workweek, the employee shall be compensated for such time over forty hours at one and one-half times the employee's regular rate of pay, including longevity pay and stipends, if any, then in effect.

"Active pay status" means pay status under which an employee is eligible to receive pay, which includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave.

(B) Prior Authorization

1. All overtime must be authorized in advance by an employee's department head and/or supervisor.
2. Regardless of the time at which an employee arrives for work or leaves from work, no overtime eligible employee shall begin work prior to his or her scheduled work hours or continue to work after his or her scheduled work hours or during a scheduled lunch period, without prior approval of their department head and/or supervisor.
3. An employee who desires to work more than 40 hours in any workweek must have the overtime work approved in advance by their supervisor or department head.
4. An employee may be directed to work more than 40 hours in any workweek by their supervisor or department head.
5. Employees who work overtime without approval (where prior approval is possible) are subject to disciplinary action for failure to follow the approval process outlined in this directive.
6. In an emergency situation, when no department head and/or supervisor is available to authorize the overtime work, the employee may work the overtime he or she deems necessary.
7. Employees who deem it necessary to work overtime when prior approval is not possible are subject to disciplinary action for abuse of discretion if it is determined that the situation was not an emergency or the employee exercised poor judgment.

(C) Flex Time and Overtime

An employee is not entitled to compensation for overtime work unless the employee's authorized administrative authority requires the employee to be in active pay status for more than forty hours in a workweek, regardless of the number of hours the employee works on any day in the same workweek, including an employee who works flexible-hours.

(D) Overtime Process

When it becomes necessary to call an employee or employees back in to work after/before the employee(s) regular working hours, the following process will normally be used:

1. Emergency dispatch will call out based on the callout notification sequence they are provided.
2. The first call will normally be to the appropriate Department Superintendent
3. The appropriate Department Superintendent will then call in as many additional employees as they deem necessary to take care of the situation.

4. Should the appropriate Department Superintendent be unavailable, the emergency dispatch will call the next individual on the callout notification list.
5. In the event that an employee or employees have been placed in standby status, that employee or employees will be responsible for further call outs of other employees if necessary.

(E) Employee Initiation of Payment for Overtime

1. Employees are responsible for initiating the process to be compensated for hours actually worked in excess of forty (40) in one (1) week.
2. Employees may be required to complete a request (either a signed "hard-copy" form or electronic request) to be compensated for overtime and/or comp time.
3. The request must receive prior approval by a department head, the Appointing Authority or their designee, and the Clerk-Treasurer or his/her designee.

(F) Overtime Documentation

1. All overtime work must be reflected on the employee time sheet.
2. Failure by an employee to document overtime may result in loss of overtime and/or discipline. However, every reasonable effort will be made to insure that an overtime eligible employee shall be paid for all overtime work whether or not it is reflected on the employee time sheet.
3. The department head and/or supervisor shall be responsible for monitoring overtime work, and for documenting and/or assuring that all overtime worked is documented on the employee time sheet.
4. For all employees except police, in computing compensatory time (overtime) the workweek begins on Saturday night at 12:00 midnight and runs through Saturday night at 12:00 midnight.

For police, in computing overtime the workweek begins on Saturday at 10:00 pm and runs through Saturday at 10:00 pm.

(G) Applicability

All employees are eligible for "overtime", when properly authorized, with the exception of the following positions designated by Council:

- Elected Officials
- Administrator
- Contract employees who are designated exempt pursuant to their contract.

SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on June 5, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King

Brewster, Ohio