

County of Cumberland Board of County Commissioners	Policy Number: 2.18	Pages: 1 of 2
Chapter: Employee Benefits	Effective Date: October 24, 2023 Supersedes Policy 2.18 Dated 08/11/1994	
Subject: Overtime Compensation		

I. POLICY:

- A. Full-time employees may be required to work more than the hours designated as the normal work week for their class title. Cumberland County Government shall compensate non-exempt employees who are required to work beyond their normal hours of duty in accordance with the Fair Labor Standards Act (F.L.S.A.) or applicable collective bargaining agreements. Subject to Federal and State law, paid and unpaid leaves are not included in overtime calculations unless specified in the applicable collective bargaining agreement.

II. DEFINITIONS:

- A. Hours worked: All time an employee must be on duty on the employer's premises or at any other prescribed place of work.

III. PROCEDURE:

- A. F.L.S.A. requires that overtime in the amount of one and one-half times (1 ½ x) the employee's regular rate of pay be paid for hours worked more than 40 hours in a work week. The Act does not require that overtime be paid for hours worked more than eight hours per day or on weekends or holidays. Any employee who is authorized or required to work beyond forty (40) hours in a week for their class titles shall be paid at one and one-half times (1½ x) their regular rate of pay. Any employee who is authorized or required to work beyond thirty-five (35) hours in a week for their class titles shall be paid at one and one-half times their regular rate of pay. For employees who regularly work a 12-hour schedule, overtime shall refer to any working hours beyond 80 hours of duty in a two-week period and shall be paid at one and one-half times (1½ x) their regular rate of pay.
- B. Employees cannot waive their right to be compensated for overtime hours worked nor agree to a lower overtime rate than that required by the F.L.S.A.
- C. Department heads may give employees compensatory time off in lieu of monetary overtime compensation in accordance with applicable collective bargaining agreements. Comp time must be given at a rate of one and one-half hours for each hour worked. Employees whose job involves public safety or emergency response may accrue 480 hours of comp time. Other employees may accrue no

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more than 240 hours of comp time. Beyond that, they must be paid money for overtime.

- D. Subject to applicable collective bargaining agreements, the following shall govern overtime compensation for full-time employees who may be required to work on a holiday:
1. If a holiday occurs on a regular workday of an employee, the employee is entitled to overtime compensation at one and one-half times (1^{1/2} x) the regular pay.
 2. If a holiday occurs on a regular day off, an employee shall be given an additional day off within the same or subsequent pay period. If, because of an emergency, the employee is required to work on the additional day, he or she shall be entitled to overtime compensation at one and one-half times (1^{1/2} x) the regular pay for all work performed on the additional day.
 3. If a holiday occurs on a regular workday of an employee and the employee does not report for duty, he or she shall not be eligible for overtime compensation for that holiday.
- E. Department heads shall maintain an employee roster that will evenly distribute the opportunity for overtime. An employee who declines overtime shall be charged with an opportunity and his or her name then goes to the bottom of the roster.
- F. The department head has the right, under reasonable limits, to require employees to work overtime. Department heads shall give employees adequate notice when requiring overtime.
- G. Department heads shall refer to applicable collective bargaining agreements for special overtime provisions not required by the F.L.S.A.