



City of Santa Clarita
POLICY/PROCEDURE

Number III-22.2

**SUBJECT: WORK SCHEDULES, OVERTIME, AND
COMPENSATORY TIME OFF FOR ALL EMPLOYEES
AND PART-TIME, TEMPORARY, SEASONAL (PTS)
EMPLOYEE PAID SICK TIME**

ORIGINAL ISSUE

EFFECTIVE: 11/12/2011

CATEGORY: HUMAN RESOURCES

CURRENT ISSUE

EFFECTIVE: 10/13/2020

SUPERSEDES: III.22.1 AND III.24.1

RESPONSIBLE DEPARTMENT: CITY MANAGER'S OFFICE

STANDARD MANAGEMENT PROCEDURE

I. PURPOSE

This policy is intended to establish rules and regulations for all City employees regarding work schedules and for non-exempt employees with regard to time records, overtime, and compensatory time off, in accordance with requirements under applicable state and federal wage and hour laws. The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers for local government. This policy also establishes rules and regulations for part-time, temporary, seasonal (PTS) employees entitled to accrual of and use of paid sick leave in accordance with the Healthy Workplaces, Healthy Families Act of 2014. All employees are responsible for following the provisions of this policy. City supervisors and managers must ensure that the provisions of this policy regarding overtime, hours worked, and recordkeeping are adhered to for employees in their work areas.

II. DEFINITIONS

A. Hours worked

"Hours worked" shall include all time when an employee is required to be on duty or to be on the City's premises or at a prescribed workplace, and all time when an employee is suffered or permitted to work. Hours worked does not include unpaid leaves of absence. Paid time off, including but not limited to sick leave, vacation, floating, and compensatory time, shall be considered time worked for purposes of calculating overtime for regular employees. Employee paid sick time is not considered time worked for purposes of calculating overtime for PTS employees.

B. Exempt and non-exempt employee

Exempt and non-exempt status is determined by the Personnel Officer in accordance with applicable state and federal law.

C. Part-Time Temporary Seasonal (PTS)

An employee who is appointed to a non-regular position for a limited period of time. PTS employees may not work more than 1,000 hours per fiscal year or for longer than six months of continuous full-time employment without written, express prior approval of the Personnel Officer. PTS employees who are already CalPERS members, or other positions designated by the City, may work up to 1,560 hours with approval from the Personnel Officer. PTS employees are at-will employees and are not part of the competitive service.

D. Immediate Family

Immediate family means: biological, adopted or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis regardless of age or dependency status; biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor; spouse; State of California registered domestic partner; grandparent; grandchild; or sibling.

III. RECORDKEEPING

Employees are required to submit their time worked by the designated deadline using an approved City timecard. Timecards are official, legal City records that are used to compensate employees properly. Each employee's timecard must be an accurate account of the hours worked each week. Leave time, holidays, and time on-call must also be accurately recorded by an employee on his/her timecard.

To ensure the accuracy of all-time records, each employee shall electronically verify their time card attesting that their time and hours were recorded accurately and fully identify all time worked during the pay period, whether authorized or unauthorized, and that all meal periods to which the employee is entitled have been provided. Employees responsible for completing timecards must ensure that the timecards are submitted to the employee's supervisor on the day designated by the City.

The supervisor who electronically approves the timecard is expected to have personal knowledge of the hours worked by the employee. Specifically, for each employee in their work area, supervisors are expected to monitor: start time for each work day; start/stop time for each meal period; whether any meal periods are missed, and any time actually worked outside the employee's regular shift. Supervisors shall approve each time cards, attesting to the completion of such review and that the time recorded reflects all work performed by the employee of which the supervisor was reasonably aware. Supervisors may not change employee timecards to add more hours than were actually worked nor may they reduce the number of hours an employee actually worked.

Falsification of timecards is a violation of City policy and rules and may result in an employee being released from employment or other disciplinary action, up to and including termination.

IV. WORKWEEKS

All employees shall be assigned a regular work schedule by their supervisor as required by the needs of the City. Except in the cases of emergency, the City shall give employees a minimum of five days written notice prior to changing their regular work schedule. Work schedules will be set by an employee's supervisor with approval from the Human Resources Manager, based upon hours of operation and work requirements of the unit. The City has determined that the workweeks corresponding to the following work schedules shall include:

A. Monday-Friday Schedule: The City's workweek begins Saturday at 12:00 a.m. and runs through the following Friday at 11:59 p.m.

B. 9/80 Work Schedule - Either A or B Fridays Off: For those employees who have alternating Fridays off, the City's workweek begins Friday halfway through the employee's scheduled workday and runs through the following Friday halfway through the employee's scheduled workday.

C. 9/80 Work Schedule - Either C or D Mondays Off: For those employees who have alternating Mondays off, the City's workweek begins Monday halfway through the employee's scheduled workday and runs through the following Monday halfway through the employee's scheduled workday.

D. Other Schedule: At the discretion of the City, some employees may be assigned a work schedule different from the ones listed above based on the needs of the City. In these instances, the employee's work schedule will be assigned by his/her supervisor, and his/her workweek shall also be designated by his/her supervisor.

V. MEAL PERIODS

All non-exempt employees who work more than five hours in a workday are permitted, but not required, to take at least a 30-minute unpaid meal period. The designation of the meal period shall be determined by the employee's supervisor to ensure appropriate coverage but generally should occur mid-way through the scheduled work day. Employees cannot skip meal breaks in order to shorten their scheduled work hours without the prior approval of their supervisor. Meal periods taken in accordance with this Section shall not constitute hours worked.

During this meal period, the employee is completely relieved from duty and should not be permitted or required to perform any work. All employees shall take reasonable measures wherever feasible to avoid the need for work to be performed during meal periods. Where required, time spent on such work shall be kept to a minimum, and may only occur with the prior written authorization of a supervisor. Non-exempt employees who work during their meal periods shall be paid for time worked.

VI. REST PERIODS

All non-exempt employees are permitted, but not required, to take a 15-minute paid rest period for every four hours worked. If the employee chooses to take a rest period, the 15-minute rest period must be taken during the four-hour period and cannot be combined with another 15-

minute rest period. Employees are encouraged to take their rest periods as close to the middle of the four-hour period as possible. Rest periods cannot be combined with the meal period or other rest period and cannot be used to start the workday late or leave early. Authorized rest periods shall constitute hours worked.

During an emergency, the City may require that rest periods (or a portion thereof) be suspended. If a rest period is suspended or is not taken by an employee for any reason, the rest period will not accumulate, or be carried over to another day. Further, the employee will not receive additional compensation for a missed rest period in any way.

VII. OVERTIME PAY

A. **Generally**: Each non-exempt employee shall be entitled to overtime compensation at the rate of one and one-half times his/her regular rate of pay for all hours worked in excess of 40 hours in any one workweek.

B. **Advanced Permission Required**: All non-exempt employees are required to seek and obtain the approval of their immediate supervisor prior to working more than 40 hours in a workweek or performing work outside of, including before or after, their regularly scheduled work hours, during meal periods, and other work performed "off the clock" including work performed at home.

VIII. COMPENSATORY TIME OFF

A. **Generally**: A non-exempt employee who earns overtime compensation may request at the discretion of his/her Director or designee to accrue compensatory time off in lieu of receiving overtime pay. Directors or designees may require employees to have minimum leave balances in their leave banks prior to approving compensatory time off instead of overtime pay.

B. **Accrual of Compensatory Time Off**: Compensatory time off is accrued at the rate of one and one-half hours for each hour worked. Non-exempt employees may accrue up to a maximum of 40 hours of compensatory time off (40 hours of compensatory time off is equivalent to approximately 26 2/3 hours of overtime worked). An employee who has accrued 40 hours of compensatory time off is required to receive monetary compensation for all additional overtime worked until the employee's compensatory time off balance drops below 40 hours.

1. Represented employees should refer to their Memorandum of Understanding for maximum accrual amounts of compensatory time off.

2. PTS employees shall not have the option to accrue or use compensatory time off and shall only be entitled to receive a cash payment for overtime.

C. **Requesting Compensatory Time Off**: A non-exempt employee who wishes to take compensatory time off must submit a request to his/her immediate supervisor in advance of

the intended absence. The request must specify the dates the employee wishes to take compensatory time off. The granting and scheduling of compensatory time off is in the discretion of the supervisor with consideration of (1) the wishes of the employee and (2) the needs of the Department.

D. Use of Compensatory Time Off: Non-exempt employees shall be permitted to use compensatory time off within a reasonable period of time after the employee makes a request, provided that it does not unduly disrupt the City's operations. "Unduly disrupt" shall mean that it would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time the employee requested off.

E. Cash-out of Compensatory Time Off: At any time, an employee may request that all or some of his/her accrued compensatory time off be cashed out. Compensatory time off is cashed out at the employee's then current rate of pay. An employee wishing to cash out his/her compensatory time off shall submit a request to his/her Director in writing. The Director may accept, modify, or reject the employee's request based on the best interests of the Department and the employee.

1. Any unused compensatory time off in excess of one hour as of last pay date in December of any year shall be paid to the employee in cash at the employee's then current rate of pay, unless the employee requests in writing that the compensatory time off be carried over to the next calendar year.
2. At the City's discretion, if an employee moves from a position that earns compensatory time off to a position that does not earn compensatory time off, all unused compensatory time off shall be cashed out and paid to the employee in cash prior to the employee assuming the duties of the new position.

F. Compensation Upon Termination of Employment: Unless prohibited by law, an employee whose employment is terminated for any reason shall be paid for all unused compensatory time off at a rate of the higher of (1) the average regular rate the employee earned during the last three years of employment; or (2) the final regular rate earned by the employee.

IX. PAID SICK TIME FOR PTS EMPLOYEES

A. Applicability: Paid sick time, as provided for in this policy, shall only apply to non-regular and non-probationary employees that do not accrue sick leave pursuant to the City's Personnel Rules, applicable memoranda of understandings, or any other applicable City policy, including, but not limited to PTS employees. All other employees are subject to all applicable rules and policies governing sick leave for regular employees.

B. Accrual of Paid Sick Time: For eligible employees, sick time is accrued at the rate of one hour of sick time for every 30 hours worked. Hours worked includes regular and overtime hours.

1. Employees become entitled to accrue paid sick time on July 1, 2015, or on the first day of employment if hired after July 1, 2015.
2. Employees qualify for paid sick time by working at least 30 days within a year on or after January 1, 2015. Employees who work fewer than 30 days within a year are not entitled to paid sick time.
3. Employees may begin to use their accrued sick time after completing 90 calendar days of employment within the 12-month period after their first day of employment. Employees who work fewer than 90 calendar days are not entitled to take any paid sick leave. For employees who separate from the City and return to the City within 12 months from their previous separation, calendar days worked within the 12-month period prior to the previous separation will count toward the 90 calendar day qualification period. The City will not count any calendar days worked for employees who separate from the City and do not return to the City within 12 months from their previous separation.
4. The employee's paystub will display the number of paid sick hours available. This same information is also available on the Employee Access Center and on their timecards
5. The City will not "lend" or "advance" sick time to an employee before it has been accrued.

C. Sick Time Rate of Pay: Employees shall be compensated for sick time at their regular rate of pay.

D. Annual Sick Time Accrual: Employees may accrue up to 24 hours of sick time during a calendar year.

E. Accrued Sick Time Carry-Over: Unused sick time may be carried over from calendar year to calendar year with a maximum sick time leave bank of 48 hours.

F. Minimum Sick Time Use: The minimum amount of sick time an employee may use is fifteen minutes per work day.

G. Use of Sick Time: Upon the verbal or written request of an employee, the City shall permit an employee to use paid sick days for the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's immediate family member as defined in this policy.
2. For employees who are victims of domestic violence, sexual assault, or stalking, for the purposes described in subdivision(c) of Section 230 and subdivision (a) of Section 230.1 of the California Labor Code.

H. Employee Responsibility:

1. Employees are not responsible for finding other employees to cover shifts due to their use of sick time.
2. Employees are required to contact their immediate supervisor as soon as practicable when they are unexpectedly unable to work for purposes described in this policy.
3. Whenever feasible, employees are required to provide 5 days advance notice of foreseeable or pre-scheduled medical examinations for which they will require sick time.

I. Inappropriate use of Sick Time: Inability to work due to intemperance is not an authorized reason for sick time.

J. Unused Sick Time: No employee shall be compensated for, or allowed to exhaust any accrued sick time upon resignation, including retirement, termination, layoff, or death.

K. Sick Leave Accrual Upon Termination of Employment: Unused accrued sick time at termination shall be reinstated upon return to active status occurring within no more than 12 months of termination.

L. Sick Leave Accrual Upon Promotion to Regular Benefited Status: Sick time accrued while in non-regular status shall remain intact upon promotion to a regular position, and will thereafter be subject to all rules and policies governing sick leave for regular employees.

M. Inspection of Records: Upon reasonable request, and within 21 calendar days after the request, the City shall afford current and former employees the right to inspect or copy records pertaining to their hours worked and paid sick time accrued and used.

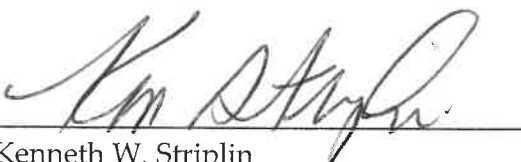
N. Violations of Policy: Violations of the policy may result in disciplinary action, up to and including termination.

X. EXCEPTIONS

There are no exceptions to this Policy without the express authorization of the City Manager.

XI. AUTHORITY

By the authority of the City Manager.



Kenneth W. Striplin
City Manager