

## ARTICLE 7. OVERTIME

A. If, in the judgment of the Department Head, work beyond the assigned work period is required of a regular full-time employee, such overtime worked shall be compensated for as follows:

1. Sheriff's Office Employees: Deputy Sheriff Trainee, Deputy Sheriff-Entry Level, Deputy Sheriff-Journey Level/Lateral, and Sergeant. Employees have the option to receive time and one-half (1-1/2) pay or Compensatory Time Off (CTO) at a rate of one and one-half (1-1/2) hours for each hour worked in excess of the employee's assigned work shift (of at least eight hours) or eighty (80) hours in a fourteen (14) day work period; provided further, that such employees shall receive cash payment for overtime accrued in excess of eighty (80) overtime hours (one hundred twenty [120] straight-time hours).
2. District Attorney: District Attorney's Investigator and Supervising District Attorney's Investigator. Employees shall be entitled to overtime compensation at a rate of one and one-half (1-1/2) hours for each hour worked in excess of the employee's assigned work shift (of at least eight hours) or forty (40) hours in a seven (7) day work period. Employees shall be entitled to CTO as overtime compensation; however, the employee may alternatively receive pay at the discretion of the Department Head based on operational needs. CTO shall be accumulated at a rate of one and one-half (1-1/2) times their hourly rate as overtime compensation. CTO may be accumulated up to one hundred twenty (120) hours (eighty hours at time-and-one-half). Accumulated CTO shall be scheduled and used prior to the use of accrued vacation or holiday time unless the employee is within twelve (12) pay periods of incurring a loss of accrued leave.
3. Overtime Eligibility. Only hours worked may be used to determine eligibility for overtime. Hours worked shall be deemed to include: Travel time as required by Fair Labor Standards Act (FLSA), required jury duty, vacation (approved per Article 14, Section B.3), credit holiday time off, required off-shift training meetings, actual time in court appearances, and shooting practice required by the Department.

B. **Compensatory Time Off (CTO).** Accrued CTO may be used upon approval of the Department Head, or his/her designee.

1. Policy. It shall be the policy of the Shasta County Sheriff's Office to allow employees to use CTO accrued under the FLSA within a reasonable period after the employee makes the request if the use of the CTO does not unduly disrupt the operations of the Sheriff's Office. In addition, the Sheriff may designate the taking of CTO when conditions allow.

2. Purpose. The purpose of this policy is to establish a procedure to be followed by employees in requesting the use of CTO accrued under the FLSA. The Shasta County Sheriff's Office will give consideration to all requests for the use of CTO.

### **C. Procedure.**

1. CTO must have been earned and recorded prior to the beginning of the pay period in which it is taken.
2. Requests for CTO shall be made within a reasonable period in advance of the requested date of the time off. The Sheriff's Office reserves the right to deny a request for use of CTO if the request was not made within a reasonable period of time in advance of the date requested. Whether a request for CTO has been made within a reasonable period will be determined by considering the customary work practices within the Sheriff's Office based on the facts and circumstances of each case. These work practices include, but are not limited to:
  - a. The normal schedule of work;
  - b. Anticipated peak workloads based on past experience;
  - c. Emergency requirements for staff and services;
  - d. The availability of qualified substitute staff; and
  - e. As a general rule, requests for CTO shall be made to the member's supervisor at least one (1) work week, i.e. five (5) work days in advance of the requested date of the time off.
3. Requests for time off made with less than five (5) work days' notice will be considered on a case-by-case basis. The requesting member shall provide an explanation for the short notice of the request.
4. If the request for the use of CTO was made within a reasonable period of time in advance of the date requested, the supervisor will grant the use of the CTO unless it unduly disrupts the operations of the Sheriff's Office. To be an "undue disruption," the supervisor must reasonably, and in good faith, anticipate that the use of CTO would impose an unreasonable burden on the Sheriff's Office's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the member's services. The supervisor should take into consideration such factors as minimum staffing levels, anticipated workloads, emergency requirements for staff and services during the time in question, and the availability of qualified substitute staff. Mere inconvenience is an insufficient basis for denial of a request for CTO. Supervisors and staff members are encouraged to assist each other in meeting organizational needs.

5. A request for the use of CTO may not be denied on the sole basis that another member will be required to work overtime to cover the shift. If overtime is required, the supervisor shall post the overtime shift for sign up to back fill the position. Staff members making requests for CTO are encouraged to assist the supervisor by having the name of a staff member willing to fill the overtime position at the time the request for CTO is made. The supervisor shall have the final authorization on the selection process.
6. Approval of a request to use CTO may be revoked at any time by the Sheriff's Office if circumstances change such that the use of CTO on a given date will, in the judgment of the Sheriff, or his/her designee, unduly disrupt the operations of the Sheriff's Office.
7. Employees may be required, at the discretion of the Sheriff, or his/her designee, to use CTO.

Hours designated for CTO in excess of the maximum accruals shall be paid in cash at the appropriate rate. Upon separation from County employment, employees shall be entitled to payment for accrued compensatory time.

**D. Second Contiguous Shift Worked.**

Employees shall be eligible for time and one-half (1-1/2) for time worked on the second of two (2) contiguous shifts to which assigned.