Overtime Pay Policy

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## 1. Purpose

This policy provides guidelines for overtime compensation for eligible employees in accordance with the Fair Labor Standards Act (FLSA). The County will comply with all applicable federal wage and hour laws. In the event of a conflict, the FLSA shall prevail.

## 2. Applicability

This policy applies to all Buncombe County departments and employees unless there is a conflict with GS 153A-103 related to hiring, discharging, and supervising employees. Such exclusion is noted at the end of this policy. Otherwise, departments may adopt and enforce policies that are more restrictive than County Policy.

## 3. Policy

### 3.1. Standard Workweek

3.1.1. The County's standard workweek is a fixed period of 168 consecutive hours beginning Saturday at 12:00 a.m. and ending Friday at 11:59 p.m.

3.1.2. An employee's assigned work schedule may vary based on operational needs.

### 3.2. Overtime Compensation

3.2.1. Overtime eligibility is calculated based on all hours worked within the defined work period. Hours worked include all time that is compensable under the FLSA, including time an employee is required or permitted to work, such as required training and authorized travel time. Paid leave, including vacation, sick leave, holiday leave, and other paid time off, is not considered hours worked and is excluded from overtime calculations under the FLSA.

3.2.2. Non-exempt employees will be compensated at a rate of one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in a workweek, except as provided in Section 3.2.3.

3.2.3. Non-exempt employees subject to the overtime provisions of FLSA Section 7(k) for law enforcement activities will be compensated at a rate of one and one-half times their regular rate of pay for all hours worked in excess of 86 hours in a bi-weekly pay period.

### 3.3. Authorization and Control of Overtime

3.3.1. Overtime must be approved in advance by the employee's supervisor or designated approver.

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3.3.2. Supervisors are responsible for managing work schedules to minimize unnecessary overtime and may adjust schedules within the same workweek to avoid overtime when operationally feasible.
3.3.3. Employees are prohibited from working overtime without prior approval, except in emergency situations.
3.3.4. Emergency Exception: An emergency is defined as a situation that could reasonably result in harm to persons or property, or that requires immediate attention. Employees must notify their supervisor as soon as practicable following completion of emergency work.
3.3.5. All overtime hours worked will be compensated in accordance with the FLSA, regardless of whether prior approval was obtained. Employees who work unauthorized overtime may be subject to disciplinary action.

**3.4. Timekeeping and Reporting**

3.4.1. Employees are required to accurately record all hours worked.
3.4.2. Off-the-clock work is strictly prohibited.
3.4.3. Falsification, underreporting, or failure to record time worked may result in disciplinary action.
3.4.4. Employees who become aware of inaccuracies in timekeeping or practices that discourage accurate reporting must report concerns through their supervisor, chain of command, or Human Resources.

**3.5. Management Responsibilities**

3.5.1. Supervisors and Department Directors are responsible for
3.5.1.1. ensuring overtime is authorized and necessary
3.5.1.2. monitoring employee work hours
3.5.1.3. ensuring accurate timekeeping and payroll reporting
3.5.1.4. enforcing compliance with this policy.
3.5.2. Overtime opportunities should be distributed as equitably as practicable among qualified employees, consistent with operational needs.

**3.6. Exempt Employees**

3.6.1. Employees classified as exempt are not eligible for overtime compensation except as specifically provided in applicable County policy (e.g., declared State of Emergencies or other situations designated by the County Manager).

4. **Policy Non-Compliance**

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. **Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the Internal Auditor's Statement.

6. **Definitions**

**6.1. Exempt Employee - (Fair Labor Standards Act Status).** Employees in full or part-time positions who have been classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act. Exempt employees are paid for the accomplishment of assigned accountabilities

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rather than being paid for the number of hours worked in a work period. Exempt employees are not eligible for overtime compensation under the FLSA.

**6.2. Non-Exempt Employee (Fair Labor Standards Act Status).** Employees in full or part-time positions who have been classified as "Non-Exempt" from the overtime provisions of the Fair Labor Standards Act. Non-exempt employees will be paid for overtime hours worked in accordance with this Policy. Non-exempt employees are eligible for overtime compensation under the FLSA.

**6.3. Overtime (OT).** Hours worked in excess of the applicable maximum hours standard within the defined work period, as established by the FLSA. Overtime is calculated based on all hours worked, including all compensable time under the FLSA, and excludes paid leave, holiday leave, and other non-worked paid time.

**6.4. FLSA Overtime Provision regarding Fire Protection or Law Enforcement**: refers to 29 U.S.C. § 207(k) of the Fair Labor Standards Act, which creates special overtime rules for public agency employees who perform law enforcement duties, modifying the standard overtime requirements to 86 hours in a bi-weekly pay period.

## 7. Approval and Revision History

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|---|---|
| Policy Origination Date: | March 19, 2024 |
| Requires Board Approval: | ☐Yes ☒No |
| Board Approval Dates: | March 19, 2024 |
| Policy Exceptions: | None |
| Revision History: | 4/14/26 – removed compensatory time, aligned language with FLSA, Removed BCSO from policy exceptions, removed board approval, added section for authorization and control of overtime, added section for timekeeping and reporting, added section for management responsibilities. |

## 8. Background

The content of this policy was originally in the Buncombe County Personnel Ordinance. In March 2024 the content was moved from the ordinance into a stand-alone policy.

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