

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

TO: All Department Heads

FROM: David Twa, County Administrator

DATE: October 5, 2015 (Supersedes November 6, 2002 Memo)

SUBJ: Eligibility for Overtime Pay for Unrepresented, Management, and Exempt Employees

The purpose of this memo is to provide County departments with a review and update of the policies and procedures regarding eligibility and ineligibility of unrepresented, management, and exempt employees for overtime pay.

I. **POLICY:**

Ineligible for Overtime Pay

In recognition of their management status, all employees in unrepresented, management, and exempt classifications are overtime exempt. This means that these employees are not eligible to receive overtime pay, holiday pay, overtime compensatory time off, or holiday compensatory time off. Instead, these employees are given Annual Management Administrative Leave.

Eligible for Overtime Pay

Unrepresented, management, and exempt employees may be made eligible for overtime pay by the County Administrator's Office by adding the employee's name to the Overtime Exempt Exclusion List. Employees listed on the Overtime Exempt Exclusion List are authorized to receive overtime pay, only. These employees are NOT eligible for holiday pay, overtime compensatory time off, or holiday compensatory time off. Employees on the Overtime Exempt Exclusion List are also NOT eligible to receive Annual Management Administrative Leave for that quarter.

II. **PROCEDURE:**

In order to facilitate consistent administration of this policy, our Office is implementing the follow procedures:

- The Overtime Exempt Exclusion List will be created on a quarterly basis. In order for an unrepresented, management, or exempt employee to be placed on the Overtime Exempt Exclusion List, the department must submit a written request with proper justification to the County Administrator's Office, for review and approval, no later than the first day of the month before each quarter, as follows:
 - January 1 – March 31: submit request by December 1
 - April 1 – June 30: submit request by March 1
 - July 1 – September 30: submit request by June 1
 - October 1 – December 31: submit request by September 1

The Overtime Exempt Exclusion List will expire at the end of each quarter. Departmental requests for inclusion on the list must be renewed each quarter.

- Each request must include:
 - Employee name
 - Employee identification number
 - Position
 - Position number
 - Department
 - Brief description of duties and/or project requiring overtime hours
 - Duration of the project (state date and ending date)
 - Consequence of not receiving approval
 - Signature of department head

Typically, overtime pay will be authorized for those employees who are assigned to a special project or assignment that requires excessive work hours and does not allow the employee to discontinue doing his/her regular job duties. Overtime will not be authorized when it is to be used to address normal staffing or operational issues.

It is the responsibility of the requesting department to ensure that the CAO's office and the Office of the Auditor Controller have all the information required to process overtime pay.

- Each quarter, the County Administrator's Office will establish a new Overtime Exempt Exclusion List. That list will then be provided to the Office of the Auditor-Controller. Employees on the Overtime Exempt Exclusion List will be authorized for overtime pay and their annual administrative leave will be reduced each quarter based on a proration of their awarded hours (25%). The hours either will be reduced from the employee's current administrative leave balance or future awarded administrative leave hours.

In the extenuating circumstances of a Strike, the County Administrator may waive the standard quarterly procedure and approve employees be placed on the exempt exclusion list for a period of no less than one month. In these circumstances, the annual administrative leave will be reduced each month based on a proration of their awarded hours (8.3%). The hours either will be reduced from the employee's current administrative leave balance or future awarded administrative leave hours.

Please direct all requests with justification to Enid Mendoza, Senior Deputy County Administrator, and submit future request in accordance with the quarterly timeframes outlined above.

If you have any questions regarding placement on the Overtime Exempt Exclusion list, you may contact Enid Mendoza at (925) 335-1039. If you have questions regarding overtime pay or related payroll issues, please contact your Departmental payroll office.

cc: Department Administrative Services Officers
Department Payroll Supervisors
Enid Mendoza, Senior Deputy County Administrator
Haj Nahal, Assistant Auditor Controller, Payroll
Lisa Driscoll, County Finance Director
Glynis Hughes, Principal Labor Relations Analyst