



## Overtime & Compensatory Time FAQs

It is the general practice of Pinellas County to not have its employees work frequent or considerable overtime. However, Appointing Authorities may authorize or direct an employee to work overtime when necessary in order to meet operating needs or emergency situations. In compliance with the federal Fair Labor Standards Act (FLSA) and the Pinellas County Personnel Rules, classified service employees who are protected by FLSA may be eligible for overtime pay or compensatory (comp) time off at the discretion of their Appointing Authority, depending on the category of their position.

### Does Pinellas County have to pay overtime or grant comp time if I work more than 40 hours in a week?

- If you have a *classified employee* OT code, you are entitled to overtime or comp time if you work more than 40 hours in one week.
- If you have a *classified/excluded employee* OT code, you are eligible for overtime or comp time if you work more than 80 hours in a pay period, and if your supervisor authorizes the overtime.
- If you have an *exempt* OT code, you are not eligible for overtime pay.

### How do I know which overtime code I am?

Go to [OPUS](#) > Employee Self Service > Employee Directory.

Find your name in the Employee Directory. Check the “Job” field to see if it says **Classified**, **Classified/Excluded** or **Exempt**.

| <u>Sample 1 (Classified):</u>                          | <u>Sample 2 (Classified/Excluded):</u>                                    | <u>Sample 3 (Exempt):</u>                   |
|--|---|---|
| Job <b>11130.Administrative Secretary.Classified..</b> | Job <b>11316.Administrative Support Supervisor.Classified/ Excluded..</b> | Job <b>16844.Section Manager 2.Exempt..</b> |

The overtime category codes are as follows:

- **Classified** = Eligible for overtime
- **Classified/Excluded** = Excluded from FLSA overtime provisions
- **Exempt** = Exempt from the classified service and not eligible for overtime

### Can my supervisor grant me comp time instead of paying me overtime?

Yes. Management determines whether to grant compensatory time or pay overtime.

### Am I eligible for overtime if I take leave time?

In counting your hours worked for possible overtime in a pay period, you would not consider leave time during which you are not working. This includes annual leave, personal day, floating holiday, workers’ comp, and some administrative leave with pay.

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However, approved County holidays and administrative leave with pay during which you are in working status (e.g. external training) are not considered leave time, and do count towards hours worked when calculating overtime pay.

### **Can my supervisor require me to flex my schedule so that I don't work overtime?**

Yes. Overtime is only due for *classified* employees who work over 40 hours in a workweek. If your supervisor changes your schedule so you do not work over 40 hours in a workweek, you will not earn overtime. Overtime is related to the number of hours worked in a workweek, not in a workday.

For *classified/excluded* employees, this is also true, except the trigger for overtime pay is working over 80 hours in a pay period.

### **Am I eligible for overtime if I work more than 8 hours in one day?**

No. There is no limit on the number of hours an employee may be required to work in any one day.

### **What if I work overtime on my own initiative?**

If a *classified* OT code employee works beyond forty (40) hours in a workweek, the time is counted as hours worked and the County is obligated to pay him or her—whether or not the time was authorized.

In cases where an employee has worked overtime without approval or after being told by management not to do so, the employee may be subject to disciplinary action but the earned overtime must still be paid. It's recommended that the supervisor explain the reason for directing that the work be ceased so that a well-meaning employee will not view this as management's lack of appreciation for his or her good intentions.

If a *classified/excluded* OT code employee decides to work more than eighty (80) hours per pay period on their own initiative without being directed to do so (for example to finish a project), the time does not count as hours worked and the employee is not eligible for overtime pay.

### **Is the Pinellas County overtime practice more generous or stringent than the federal law?**

Our overtime practice is more generous than the federal law. Although the law does not require it, Pinellas County allows extra compensation (overtime or compensatory time) to *classified/excluded* OT code employees when they work authorized time in excess of 80 hours in a pay period with supervisor approval.

Pinellas County has three categories for determining overtime compensation (indicated in yellow), while the Fair Labor Standards Act has two designations for overtime requirements (indicated in blue) as shown in the Overtime Compensation Categories Chart on the following page:

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## Overtime Compensation Categories Chart

| Pinellas County Categories  | Fair Labor Standards Act (FLSA) Categories  |
|---|---|
| <p><b>Classified OT Code Employees</b><br/> <i>(Eligible for overtime or comp time for over 40 hours in 1 week)</i><br/>                     County classified positions entitled to overtime at the rate of 1.5 times the number of hours worked over 40 per week, or compensatory time at a rate of 1.5 hours times the number of hours worked over 40 to be accumulated to a maximum of 80 hours.</p>  | <p><b>Non-exempt:</b><br/>                     Entitled to overtime at 1.5 times the regular rate of pay for hours worked over 40</p>   |
| <p><b>Classified/Excluded OT Code Employees</b><br/> <i>(Eligible for authorized overtime or comp time for over 80 hours in a pay period)</i><br/>                     Classified positions (such as an Administrative Support Supervisor) not entitled to overtime provisions of the FLSA. However, the County may pay overtime at the rate of 1.5 times the number of hours worked over 80 per week, or grant compensatory time off at the rate of 1.5 hours times the number of hours worked over 80 in a pay period, accumulated to a maximum of 240 hours. The overtime must be required and approved by the Appointing Authority.</p> | <p><b>Exempt:</b><br/>                     These are specific and narrowly defined designations of executive, administrative and professional employees, as well as certain other specified occupations. They are not eligible for overtime under FLSA.</p> |
| <p><b>Exempt OT Code Employees</b><br/> <i>(Not eligible for overtime or comp time)</i><br/>                     Positions designated as exempt are not entitled to overtime/ comp time consideration.</p>  |   |

### How do I get more information?

- For additional information on overtime pay, see [Personnel Rule 3](#).
- For interpretation of Pinellas County overtime guidelines, contact Human Resources at (727) 464-3367 or the County Attorney's Office at (727) 464-3354.