

SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2012-57
PROVIDING A STRUCTURE FOR MONITORING, MANAGING AND CONTROLLING
THE USE OF PERSONNEL OVERTIME

PREAMBLE

WHEREAS, the County of Socorro is a body corporate and politic existing by and under the Constitution and Laws of the State of New Mexico; and,

WHEREAS, NMSA 1978, Section 4-38-19 (A) provides that a "board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county. . ."; and,

WHEREAS, the 29 U.S.C. Chapter 8 more commonly referred commonly as Fair Labor Standards Act (FLSA), requires and employer who requires or permits and employee to work overtime to pay the employee premium pay for such overtime worked unless that employee is otherwise exempted from the act; and,

WHEREAS, in accordance with the FLSA Socorro County may provide employees with compensatory time instead of cash overtime compensation. See 29 U.S.C.A. Section 207 (o); and,

WHEREAS, in 29 USC §207(k) of the FLSA provides that law enforcement officers may be paid overtime on a work period basis; and,


NOW THEREFORE, BE IT RESOLVED, by the Socorro County Board of County Commissioners that the following Overtime Policy for FLSA Non-Exempt Employees is hereby adopted:

APPROVED, ADOPTED, AND PASSED on this 14th day of June, 2012.

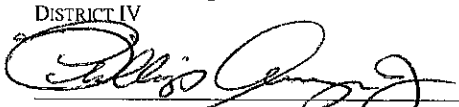
BOARD OF COUNTY COMMISSIONERS



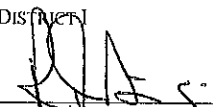
DANIEL P. MONETTE, CHAIR
DISTRICT IV



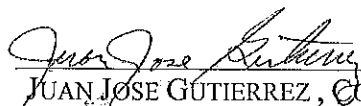
PAULINE JARAMILLO, VICE-CHAIR
DISTRICT I



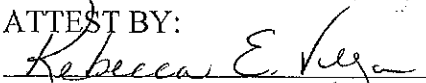
PHILLIP ANAYA, COMMISSIONER
DISTRICT III



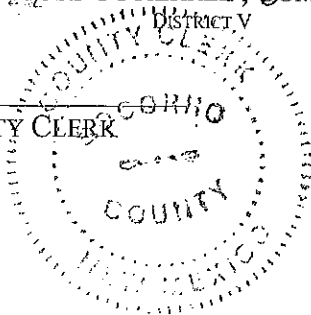
RUMALDO J. GRIEGO, COMMISSIONER
DISTRICT II



JUAN JOSE GUTIERREZ, COMMISSIONER
DISTRICT V

ATTEST BY:


REBECCA (BECKY) VEGA, COUNTY CLERK



Overtime Policy

I. Purpose.....	2
II. Policy	2
III. Definitions	2
IV. Procedures	3
A. General Provisions.....	3
B. Reporting, Recording and Analysis.....	3
C. Overtime Management.....	4
V. Budget Considerations for Excess Overtime	6
A. Overtime Abuse.....	6
B. Excessive Overtime Remediation Procedures.....	6
C. Overtime & Staffing Considerations.....	6
VI. Scheduling of Overtime	7
VII. Law Enforcement	7
VIII. Overtime Funding by an Outside Agency:.....	7

I. Purpose

The purpose of this policy is to provide a structure for monitoring, managing and controlling the use of personnel overtime in order to encourage more fiscal prudence in relation to personnel costs.

II. Policy

All personnel of Socorro County must be mindful of and exercise fiscal responsibility in the use of public funds and resources. Overtime pay requires particular attention because it constitutes a sizeable expenditure of County revenue that is provided at premium rates. Without adequate controls, unplanned expenditures can create budget overruns and divert resources from key operational areas.

Therefore, it is the policy of the County to effectively manage the use of overtime and that each department and employee will use overtime in a responsible and judicious manner.

III. Definitions

OVERTIME: Work performed in excess of 40 hours in one week or as otherwise provided by county policy in accordance with the Fair Labor Standards Act. The use of overtime can be an effective staffing

tool to address operational needs and provide management flexibility to adjust resources as needs change.

FAIR LABOAR STANDARDS ACT (FLSA) (29 U.S.C.207(A)): Federal law regulating wages and work hours to included provisions for overtime pay.

IV. Procedures

A. General Provisions

1. The County conforms to overtime provisions of the FLSA and applicable state laws. Personnel shall refer to the County personnel policy and FLSA policy for details on exempt and non-exempt positions, circumstances in which overtime pay may be granted, rates of payment for all overtime that qualifies for payment at the premium rate and related matters.
2. Overtime compensation is sometimes an inevitable cost but should be used sparingly to address: program priorities; delivery of critical services; absenteeism; response to unanticipated or emergency events; employee emergencies and position vacancies.
3. Whenever reasonably possible, paid overtime will be used in lieu of unpaid compensatory time. The accumulation and use of compensatory time is governed by the County's Compensatory Time Policy 2010-32.
4. At the discretion of Department Head or Chief Elected Official, employees may be required to work in excess of forty (40) hours in a one-week pay period. Prior approval of overtime must be given by the Department Head or Chief Elected Official for these types of assignments.

B. Reporting, Recording and Analysis

1. All overtime worked shall be annotated on the employee's time card in the NetClock system and be approved by a supervisor when the overtime is worked. The supervisor must ensure reason and approval of overtime is noted in the NOTES section of the NetClock system.
 - a) Paid overtime and unpaid compensatory time will be recorded separately.
 - b) Overtime funds expended under federal or state grant programs will be accounted for separately from those in the budget.

2. It is the responsibility of each individual department to maintain any necessary overtime records and summary data of overtime worked beyond what is listed in the NetClock system.

3. Department Heads and Offices shall monitor individual and summary data reports of overtime expenditures every pay period. It is the responsibility of each department head or official to identify unusual, unexplained or disproportionate expenditures in overtime which may include but are not limited to the following circumstances:

a) Disproportionate overtime by individual employee engaged in or assigned to the same task/function as other employees;

b) Significant and unexplained changes in overtime expenditures when compared to similar periods of time;

c) Significantly higher overtime costs for completion of the same or similar activities or tasks previously performed; and

d) Expenditure of overtime at a rate that could exceed or negatively affect the agency's budget or that of individual programs, units or functions.

C. Overtime Management

1. No task or function shall be performed on overtime by agency personnel that could otherwise be performed during regular work hours.

2. Supervisors shall establish and hold personnel responsible for a level of performance during standard work hours that minimizes the need for overtime and/or the need for additional personnel.

3. Only overtime required to meet vital service demands of the department shall be authorized.

4. All tasks and functions that require the use of overtime shall be routinely evaluated in terms of their cost-effectiveness. Alternatives to the use of premium pay to accomplish these tasks or program objectives shall be evaluated and implemented where appropriate.

5. No supervisor shall permit any employee to work overtime hours that exceed, in any fiscal year, 20 percent of the numbers of hours for which the employee is regularly scheduled.

6. Employees are limited to working no more than 70 hours in one regular work week.

7. All overtime must receive advance authorization by a supervisor unless unreasonable due to emergency circumstances.

a) Designated supervisors are the personnel primarily responsible for authorizing and managing overtime.

b) The Department Head, Elected Official or his designee, must approve overtime requests designed to fill an on-going personnel vacancy or meet an unusually high yet foreseeable workload. (i.e., personnel vacancies critical to the department's operations, authorized positions left unfilled when vacated permanently or for extended and indefinite periods of time).

c) Supervisors shall take measures and issue directives where reasonably possible to reduce or limit the demand for overtime. This includes but is not limited to supervisory efforts to perform the following:

(1) Assign non-emergency service requests received near shift change to on-coming shift personnel.

(2) Use Part Time or temporary employees where feasible to offset temporary personnel shortages/vacancies and meet specialized needs.

(3) Anticipate and manage workload requirements where reasonable to best utilize standard shift/work hours.

(4) Manage and coordinate vacation, leave and related requests to minimize manpower deficiencies.

(5) In the case of law enforcement officers:

- Ensure that officers who make arrests late in their shift receive available assistance to process prisoners as quickly as possible.
- Ensure that arresting officers in misdemeanor incidents conduct tests, take statements or witness any actions/procedures essential to prosecution so that only the minimum officer(s) will be needed to testify in court.
- Arrest reports should include only the minimum number of officers; those who were integral to the arrest and who must be subpoenaed in any subsequent court testimony.

V. Budget Considerations for Excess Overtime

The County's Finance Director and Human Resources Office will review overtime expenditures on at least a quarterly basis to ensure no department has unreasonably exceeded budgeted overtime within the fiscal review period.

A. Overtime Abuse

Overtime abuse may occur when:

1. An employee is consistently granted overtime over all other qualified staff members;
2. Overtime is not fairly distributed among department members;
3. Approval and documentation for overtime is not recorded;
4. Supervisors assigning overtime do not consider budget restrictions when assigning overtime or scheduling staff

B. Excessive Overtime Remediation Procedures

For those departments whose overtime expenditures have been deemed excessive for the fiscal review period, the following procedures will be applied:

1. Any subsequent overtime earned in the department will be paid to department employees as compensatory time until the department's budget is once again in line with budgeting targets.
2. All compensatory time earned must be used prior to the end of the fiscal year in accordance with the Socorro County Compensatory Time Policy #2009-32, as amended from time to time.
3. If it is not possible for employees of the affected department to use compensatory time prior to the fiscal year, all purchasing activities will be frozen until such time as compensatory time can be used or paid out by the department.

C. Overtime & Staffing Considerations

Should a department's overtime budget remain excessive over a fiscal review period, it is the responsibility of the department head to approach the Board of County Commissioners for the consideration of increasing staffing levels. Further, it is the responsibility of the Department Head or Elected Office to complete a comprehensive analysis of overtime usage reasons, increased staffing justifications and an analysis of projected and expected outcomes.

VI. Scheduling of Overtime

1. In order to ensure fair distribution, overtime shall be assigned using a rotation method for those employees with like positions unless a particular employee is the only qualified individual for the assignment. Such qualifications may include but are not limited to an employee's focused knowledge of the situation/case, a subpoena or specialized training in a required area of knowledge.
2. Employees will be allowed to sign up for overtime assignments based on an active list of employees. Each Department's list shall be first compiled on the basis of seniority.
3. Employees who have participated in an overtime assignment, who are unwilling or unable to accept the overtime assigned, or who cannot be contacted by phone, will be listed on the bottom of the rotational sign up list and will be offered another such assignment in rotating order.
4. In the event an insufficient number of employees sign up for an overtime assignment, assignments will be made in a reverse seniority order on a rotating basis.

VII. Law Enforcement

Law enforcement employee overtime shall be controlled by the "7K rule". 29 USC §207(k).

VIII. Overtime Funding by an Outside Agency:

When funding for overtime compensation is provided by non-Socorro County Agency for a special assignment, project or task the provisions of Sections IV (C) 1, 2 & 5 and Section V herein shall not apply.