



<b>Policy 4.2</b>	<b>Special Compensation</b>		
<u>Effective Date:</u> 2/28/12	<u>Applicable Law/Statute:</u> None	<u>Source Doc/Dept.:</u> None/HR	<u>Authorizing I.C. Sec.:</u> None
<u>Last Amended Date:</u> 5/22/12, 6/12/18			

## **SPECIAL COMPENSATION**

**4.2**

### **POLICY**

It is the policy of DuPage County to develop special pay policies and procedures in order to provide all employees equitable compensation and adhere to the regulations set forth by the Fair Labor Standards Act.

### **ELIGIBILITY**

- All employees under County Board Jurisdiction who have been designated by the Human Resources Department to receive special compensation.

### **GUIDELINES**

#### **A. Overtime**

1. Overtime is defined as compensation for all actual hours worked over forty (40) hours per week (hours worked between 37.5 and 40 hours per week are not overtime but are paid at straight time). For certain positions within the Care Center, overtime is defined as compensation for all actual hours worked over eight (8) hours per day or eighty (80) hours per pay period. Overtime pays at one and one-half an employee's rate of pay. Training time will be included as actual hours worked for purposes of all overtime. Sick days, vacation days, personal days, designated holidays, jury duty, bereavement time, and compensatory time will not be included in calculating actual hours worked for purposes of overtime except as designated below with unscheduled overtime hours.
2. Unscheduled overtime hours are hours of actual performed work that are outside of an employee's normal work schedule and are not scheduled in advance by the Department Head or designee. All unscheduled overtime hours must be approved by the Department Head or designee. When an employee has worked unscheduled overtime hours during a week, or during the pay period for the Care Center, the calculation of actual hours worked during the week may include vacation days, personal days, designated holidays, jury duty, bereavement time, training time and compensatory time. Sick time is not counted toward the calculation of actual hours worked for weeks with unscheduled overtime hours worked by an employee.

3. In accordance with the Fair Labor Standards Act, an employee who works in two (2) non-exempt County positions must be paid overtime for hours worked beyond forty (40) hours in a workweek, regardless of which position the hours were worked. Additionally, if an employee holds one exempt and one non-exempt position, only the hours worked in the non-exempt position will be considered as a basis for overtime. When there are two (2) rates of pay, the average rate of pay will be used to calculate the overtime rate of pay.

## **B. Compensatory Time**

1. Compensatory time is defined as time off granted to a non-exempt employee as compensation for hours worked in excess of that employee's regularly scheduled workday or workweek. Exempt employees may be granted compensatory time, on a limited basis, at the discretion of the employees Department Head or County Administrator.
2. An employee may request compensatory time off in lieu of overtime pay, provided that the use of the compensatory time does not unduly disrupt the operations of the department and if approved by the Department Head or designee, said request will be granted.
3. At the discretion of the supervisor, an eligible employee may be permitted to accrue up to a maximum of one hundred (100) hours of compensatory time at any time and earn no more than one hundred (100) cumulative hours in any calendar year. Effective the beginning of the 2013 fiscal year, compensatory time accrued must be used by the end of the next calendar year after it is accrued. At the discretion of the Department Head, compensatory time earned may be paid prior to the effective date of any position change.
4. Exempt employees will not receive overtime pay unless outlined specifically within this policy.

## **C. Emergency Call-Out**

1. Emergency Call-Out is defined as a situation (where the life and/or safety of the general public is at risk, natural disasters, or major equipment failures that could impact the continuity of operations) in which an employee is called back to work or held over beyond their normal work hours in order to respond to an emergency as requested and approved by their Supervisor or Department Head.
2. Non-exempt and Exempt level employees at a grade of 315 or lower will be eligible for Emergency Call-Out compensation at time and one-half of the employee's regular rate of pay or at a minimum of two and one-half (2 ½) hours pay. This will start at the point the employee arrives at the designated site to work on the emergency call-out situation. The payment of Emergency Call-Out pay to any exempt level employee must be approved by the Department Head.

3. On a holiday in an emergency call-out situation, an employee will be paid their normal holiday pay plus emergency call out pay.
4. If the employee works in excess of their normally scheduled hours in an emergency call-out situation on a holiday, they will be paid at double time or two (2) times their regular pay.

#### **D. On-Call Pay**

1. On-Call pay is defined as compensation for carrying a beeper or cell phone in order to be available to respond to a bona fide emergency situation or to cover off hour operational needs which significantly limits the employee's activities outside the workplace.
2. For each week, that an employee is assigned a beeper or cell phone and required to be available to return to work on short notice, the employee shall be guaranteed a minimum of three (3) hours of pay at one and one half (1 ½) his regular rate of pay.
3. On-Call pay may not be banked as compensatory time.
4. Animal Services – Animal Control Officers  
For each week that an employee is assigned a beeper or cell phone and required to be available to return to work on short notice, the employee shall be guaranteed a minimum of three (3) hours of pay at one and one half (1½) of his regular rate of pay. In addition, an employee will receive a minimum of two (2) hours of pay when they receive a call out while on call. Compensation will start at the point the employee is enroute to respond to the call out.

Should an employee be called out within the same two hours of an on-call emergency period of time, they are not eligible to receive an additional two hours of on-call pay (i.e. the employee will not receive multiple instances of on-call pay within the same period of time).

#### **E. Shift Differential**

1. Shift differential is assigned to designated job classifications working within the Care Center.
2. The hourly amount of shift differential and hours to be designated as a scheduled "shift" will be determined by the Department Head and the Director of Human Resources.

#### **F. Certification Compensation**

1. Employees requiring certification in a specific field as a requirement of the position must be able to present documentation verifying certification or licensure. It is the employee's responsibility to maintain the certification or license while working in the position.

2. In certain instances, the County may pay additional stipends to employees holding specific certifications as outlined in third party agreements or within these policies.
3. It is the employee's responsibility to notify his Supervisor or Department when any license or certification required to perform the position has expired or been revoked.
4. Failure to maintain required licensing may result in disciplinary action not to exclude termination.

## **PROCEDURES**

1. All employees will have a work schedule established by their supervisor. Any straight time hours, or overtime hours worked, outside the employees normally established work schedule, must be pre-approved by their supervisor prior to working those hours.
2. The payment of any Overtime, Compensatory Time, Emergency Call-Out and On-Call compensation must be scheduled and approved in advance by the employee's Supervisor or Department Head.
3. For Overtime/Compensatory Time Off, the employee and Supervisor must agree prior to completion of payroll time documents, as to which option the employee will receive.
4. Employees are responsible for accurately recording Overtime, Compensatory Time, Emergency Call-Out and On-Call pay in the appropriate payroll time document and submitting to their supervisor in accordance with payroll deadlines. The supervisor is responsible for ensuring the employee's compliance with accurately recording Overtime, Compensatory Time, Emergency Call-Out and On-Call pay in the appropriate payroll time documents.
5. Upon termination of employment, the employee will receive monetary compensation for accumulated compensatory time at the appropriate rate of pay.

## **EXCEPTIONS**

- If a temporary position is not within an established job classification, it shall be considered non-exempt.