


SCOTTS VALLEY FIRE PROTECTION DISTRICT



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| STANDARD OPERATING PROCEDURES | ARTICLE: I | SOP: 1125 |
| | SECTION: 1100 PERSONNEL | |
| | SUBJECT: FLSA OVERTIME CALCULATIONS | |
| | DATE APPROVED: 5/12/2021 | |
| APPROVED: |  | |

Purpose: To illustrate and memorialize the method for calculating FLSA overtime hours and the regular rate of pay (regular rate) for 24 hour shift employees.

Scope: FLSA Law requires the following for nonexempt employees:
1. Maximum hours standards for work periods
2. Calculating the Regular Rate of pay for FLSA overtime

1. Hours worked within the FLSA work period

- a. Shift employees are scheduled for forty-eight (48) hours on and ninety-six (96) hours off for a total of 192 scheduled hours within each twenty-four (24) day work period (work period) (29 U.S.C. 207 k). The work period is established by Scotts Valley Fire Protection District Policy 1202.
- b. FLSA scheduled overtime are the *hours actually worked* in excess of 182 hours up to 192 hours for a maximum of 10 hours each work period (29 C.F.R. 553.230).
- c. Vacation, sick leave, workers' compensation leave and education time off (ETO) will not be considered *hours actually worked* for purposes of calculating FLSA scheduled overtime.
- d. Pursuant to the I.A.F.F Local 3577 MOU, all unscheduled hours will be paid at 1 ½ times the employee's regular rate regardless of scheduled hours worked.
- e. FLSA overtime will be compensated at half the regular rate in addition to the straight time hours, which have been calculated in the base rate. This will result in the employee paid 1 ½ time for FLSA scheduled overtime.

2. Rate Calculation

- a. Base Rate – Pursuant to the I.A.F.F Local 3577 MOU, the following calculation will apply:

Base Rate = monthly base + monthly differential(s)

Annual Rate = Base Rate x 12

Biweekly Rate = Annual Rate ÷ 26

Base Hourly Rate = Biweekly Rate ÷ 112 (2 x 56 per weeks)

Base Half Time Rate = Base Hourly Rate ÷ 2

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- b. Regular Rate – Pursuant to FLSA Law (29 U.S.C. 207 e), overtime pay is equal to 1 ½ times the employee’s regular rate, which includes all compensation. The only pay not included in the base rate is acting out of class pay and will be calculated at the end of each work period as follows:

Calculating the Regular Rate with Acting Out of Class Pay

Out of Class Pay = out of class hourly differential x out of class hours (for the work period)

Out of Class Hourly Rate = Out of Class Pay ÷ 192

Regular Hourly Rate = Base Hourly Rate + Out of Class Hourly Rate

Regular Half Time Rate = Regular Hourly Rate ÷ 2

3. Payroll Calculations

- a. The County Payroll System calculates up to 10 hours of scheduled overtime at ½ the regular rate.
- b. When unscheduled overtime is paid, the County Payroll System calculates overtime at the base rate. At the end of the work period, the County Payroll System calculates the difference between the base overtime rate and the regular overtime rate. The difference in the rates is applied to all unscheduled overtime hours within the work period.
- c. The County Pay Stub will list the following:

| Description | Hours | Pay Rate |
|-------------------------|--------------------------------------|--|
| Overtime FLSA | Up to 10 hours of scheduled overtime | ½ Regular Rate |
| Overtime – FLSA Premium | All unscheduled overtime hours | Overtime difference between Base Rate and Regular Rate |

Attachment

1125-1 Appendix A – Code of Federal Regulations (CFR) – Title 29: Labor