



County Technical Assistance Service

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Sample Wage and Hour Policies

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Table of Contents

Sample Wage and Hour Policies	3
Sample Policy - Workweek	3
Sample Policy - Overtime	3
Sample Policy - Compensatory Time	3
Sample Policy - Time Records	4

Sample Wage and Hour Policies

Reference Number: CTAS-1131

All county offices are required to have written wage and hour policies in place. Following are some sample policies that may be used to comply with the law.

Sample Policy - Workweek

Reference Number: CTAS-1132

Sample Policy Defining the Workweek:

The workweek for employees of _____ County begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday each week. The regular workweek for _____ County employees is _____ (____) hours. Employees who are paid on an hourly basis will receive compensation at their regular rate of pay for all hours worked up to and including 40 in the workweek. The salary paid to salaried employees is compensation for all hours worked by such employees up to and including 40 in the workweek. The actual work schedule for each employee will be arranged by that employee's supervisor.

Sample Policy - Overtime

Reference Number: CTAS-1133

Sample Overtime Policy:

"Overtime" is defined as time worked in excess of 40 hours in a workweek. Non-exempt employees, as defined herein, who work over 40 hours in a workweek are entitled to compensation for such hours, either in cash at the rate of one and one-half times their regular rate of pay, or (with a prior agreement or understanding between the employer and employee) compensatory time off at the rate of one and one-half hour for each hour of overtime worked. Employees shall not work overtime without first receiving the approval of their supervisor. Any employee who works overtime without obtaining advance approval of the supervisor as required may be subject to disciplinary action, up to and including termination of employment.

Sample Policy - Compensatory Time

Reference Number: CTAS-1134

Sample Compensatory Time Policy:

Compensatory time may be given to those employees who work overtime as provided in the section on "Overtime" and with whom the county has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime. Employees are encouraged to use their accrued compensatory time, and the county will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted. The maximum number of compensatory time hours that an employee may accrue is _____. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime. The county reserves the right at any time to pay an employee in cash for any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

Compensatory Time Agreement

The federal wage and hour laws require a prior agreement or understanding before compensatory time may be given to employees in lieu of cash payment for overtime. This can be accomplished through the county's policies, but some counties may wish to have a signed agreement with employees who receive

compensatory time. The following is an example of a compensatory time agreement, although there are other acceptable methods of evidencing an agreement. The employer should give one copy to the employee and place the other copy in the employee's personnel file.

SAMPLE COMPENSATORY TIME AGREEMENT

In accordance with the Fair Labor Standards Act, _____ County has a policy of granting employees compensatory time off in lieu of compensation for time worked in excess of 40 hours in a workweek (or other permissible schedules for law enforcement, firefighters, and certain other employees). A copy of this policy is on file in the office of the County Clerk. I understand that compensatory time will be granted at time and one half for all time worked in excess of 40 hours (or other permissible work schedules). I further understand that accrued compensatory time may be used in accordance with county policy and the applicable laws, rules and regulations of the U. S. Department of Labor. I voluntarily and knowingly agree to accept compensatory time off in lieu of cash compensation for overtime work and to the use of accrued compensatory time off in accordance with the county's policy and the laws, rules and regulations of the U. S. Department of Labor.

Employee signature

Date

Sample Policy - Time Records

Reference Number: CTAS-2079

Sample Time Records Policies:

Time Records - Example 1

Employees are required to record their hours worked on the forms provided for this purpose. Both exempt and non-exempt employees are required to fill in this form daily and, at the end of the workweek, sign and forward them to the supervisor for review and processing. Employees must ensure that the actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. § 39-16-504.

Time Records - Example 2

Employees shall work a set schedule Monday through Friday, from 8:00 a.m. until 4:30 p.m., with one-half hour during which the employee is totally relieved of all duties for lunch. Each employee shall sign a schedule showing that particular employee's work schedule. For any day the employee varies from the established work schedule, the employee is required to file with the supervisor a signed schedule variance form, which shall show the exact hours worked during the work day, and shall show sick leave, holiday leave, and vacation time taken. Employees must ensure that their actual hours worked and leave time taken are recorded accurately. Falsifying these records is a crime under T.C.A. § 39-16-504.

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