

***CITY PERSONNEL POLICY***  
**FAIR LABOR STANDARDS ACT**

Policy # 36

*Approved by Personnel Board: 2/28/02*

*Cecil Hicks, Personnel Director*

*Approved by City Council: 8/27/02*

*Council President Chuck Sigerson*

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

It is the expressed intent of the City of Omaha to comply with the Fair Labor Standard Act. In order to accomplish this goal, the following Policy is issued to guide City employees in their compliance. Appendix A, incorporated herein by this reference, sets forth certain policies and procedures applicable to the Police Department and is provided to members of the Police Department. Appendix B, incorporated herein by this reference, sets forth procedures to audit and monitor compliance with the Policy and is provided to all City employees.

All other previously issued policies regarding FLSA practices are revoked by this Policy. Nothing contained in this Policy is intended to change or affect any rights employees may have under applicable labor agreements, nor is this Policy intended to define or determine hours worked for contract purposes.

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**A. DEFINITIONS**

For the purposes of this policy, the following definitions shall be applicable:

- “**Assigned Work Hours**” means the time and days which an employee regularly works or for which an employee has received supervisory approval to work.
- “**Compensatory Time**”, or “**Comp. Time**” shall be interchangeable terms which mean time earned and accrued by an employee in lieu of immediate cash payment required by the FLSA overtime provisions.
- “**Exempt Employee**” means an employee exempt from the maximum hour provisions of the FLSA, including any employee engaged in a bona fide executive, administrative, or professional capacity within the meaning of the FLSA and Chapter 29, Part 541, of the Code of Federal Regulations, as amended.
- “**FLSA**” means the Fair Labor Standard Act of 1938, codified as 29 U.S.C. § 201 et seq., and all amendments thereto.
- “**Hours Worked**” has the same meaning in this Policy as it does in the FLSA and Chapter 29, Part 785, of the Code of Federal Regulations, as amended. In general, this will mean time spent by an employee doing something for the City when the work is controlled, required, or permitted by the City, and generally shall not include, without limitation, annual, sick, birthday, Injured on Duty, Workers Compensation, military, funeral, jury duty, election duty, union and holiday leave; leave without pay; Comp. Time used, or any other time the employee is not actually working, such as hours compensated for under a union contract that are not actually worked.
- “**Non-exempt Employee**” shall mean an employee subject to the maximum hour provisions of the FLSA
- “**Regular Rate of Pay**” shall have the same meaning as the term is used in Chapter 29, Part 778, of the Code of Federal Regulations, as amended. In general, this is the hourly rate actually paid the employee for the usual non-overtime work week or work period, plus other payments to the employee which are included by the FLSA in overtime compensation. (see, Appendix A for Police)
- “**This Policy**” means the policies outlined herein and any other policies issued hereafter related to the FLSA.

**B. COMPLIANCE WITH FLSA**

- It is the policy of the City of Omaha to comply with the applicable provisions of the FLSA.

- It is also the policy of the City of Omaha to comply with state and federal child labor laws.
- Employees who engage in practices in violation of this Policy may be subject to disciplinary action, up to and including termination.
- The Personnel Department, in cooperation with the Law and Finance Departments, shall train supervisors about this Policy and the requirements of the FLSA . Employees are required to familiarize themselves with this Policy.
- Supervisors are required to monitor compliance with this Policy.
- Employees are required to immediately report to their supervisors any circumstances giving rise to a possible violation of this Policy. Supervisors shall promptly transmit such reports to the Personnel Director for investigation.

**C. EXEMPT/NON-EXEMPT**

- The Personnel Department shall classify employees as Exempt or Non-exempt pursuant to the requirements of the FLSA and shall review such positions on an ongoing basis.

**D. WORK WEEK; WORK PERIOD**

- Seven (7) calendar days (Sunday to Saturday) shall constitute a “work week” for employees in civilian classifications.
- Twenty eight (28) calendar days shall constitute the “work period” for “fire protection” and “law enforcement” personnel as defined by Section 207 (k) of the FLSA.

**E. HOURS WORKED**

a) **General**

- Non-exempt employees shall not, without the prior approval of their supervisor, engage in work (either at the work site or away from the work site) for the primary benefit of the City at any time other than during their Assigned Work Hours, except in an emergency. Employees are not permitted to unilaterally extend their work hours.

a) **Reporting Hours Worked**

- Any activity performed outside of a Non-exempt Employee’s Assigned Work Hours which the Non-exempt employee believes constitutes Work Hours must be reported to the employee’s supervisor by the end of the next shift after the activity is performed.

- Time Worked of less than 8 minutes shall be considered “de minimus” and shall not be considered Hours Worked nor should such time be reported on approved Time and Attendance Reports.
- Timekeepers shall keep track of Hours Worked in excess of 8 minutes to the nearest minute. Such time shall be recorded on approved Time and Attendance Forms to the nearest quarter (.25) hour. At such time as Time and Attendance Forms are fully computerized, Time Worked in excess of 8 minutes shall be recorded on approved Time and Attendance Forms to the nearest minute and overtime shall be computed to the nearest minute.
- Supervisors are required to take the necessary steps to ensure that all reported Hours Worked are accurately recorded and paid in compliance with this Policy.
- Supervisors are required to recommend such disciplinary actions as are deemed appropriate for violation of this Policy.
- Employees are required to honestly and accurately record actual Hours Worked.

a) **Present at Work Station**

- Non-exempt Employees who are required to utilize a time clock shall not perform any work before clocking in or after clocking out. Non-exempt Employees shall not clock in earlier than five minutes prior to their Assigned Work Hours or clock out later than five minutes after their Assigned Work Hours, unless such time is pre-approved overtime. Such five-minute periods are considered “de minimus.”
- Non-exempt Employees who are not required to utilize a time clock shall not perform any work before their Assigned Hours or after their Assigned Work Hours. Non-exempt Employees shall not be at their work station more than five minutes before or five minutes after their Assigned Work Hours, unless such work is pre-approved overtime. Such five-minute periods are considered “de minimus.”

a) **Meal Period**

- Non-exempt Employees shall not be permitted to eat at their work station during their assigned meal period, unless such employees are compensated for such meal period under an applicable union contract (i.e. police officers). Nothing herein is intended to prohibit employees from eating or drinking at their work stations during paid periods, such as breaks.
- To the extent possible, break areas shall be separate from work areas. If break areas cannot be separated from work areas, Non-exempt Employees may be permitted to be in such work areas outside of Assigned Work Hours. However, such Non-exempt Employees shall not be permitted to engage in any work during unpaid meal breaks or before or after such employees' Assigned Work Hours. Supervisors are required to monitor compliance with this paragraph.

a) **Volunteers**

- Non-exempt Employees shall not volunteer (agree to perform the work without pay) to perform work for the City (or for another employer at a City-owned or operated facility) that involves the same or similar duties as the employee's regular duties.

a) **Subpoenas**

- For FLSA purposes, time spent responding to subpoenas for court proceedings, which are issued by anyone other than a representative of the City, shall not be considered Hours Worked, unless specifically authorized by the Department.

a) **Doctor Appointments**

- Doctor appointments attended by employees with Workers Compensation or Injured on Duty claims outside of Assigned Work Hours shall not be considered Hours Worked. Personal appointments with a health care provider either within or outside of Assigned Work Hours are not considered Hours Worked. Any time a Non-exempt Employee is directed by his or her supervisor to see any health care provider for any purpose, such time shall be considered Hours Worked.

a) **Outside Agency Requirements**

- Time spent to comply with requirements by other outside agencies (e.g., OSHA, FAA) shall not be considered Hours Worked, even if such requirements are mandatory to maintain City employment status.

a) **On Call**

- Being "on call" in and of itself shall not be considered Hours Worked.

a) **Phone Calls; Pagers**

- Non-exempt Employees shall not be contacted by telephone or otherwise for work related purposes outside of Assigned Work Hours, except in an emergency or as directed by an employee's supervisor.
- Any work-related off-duty telephone calls of 8 minutes or more or a series of related calls totaling 8 minutes or more within the 24-hour period (0001 through 2400), engaged in by Non-exempt Employees are required to be reported to the employee's supervisor by the end of the next shift after the phone call. Such telephone calls will be reviewed to determine whether the call is considered Hours Worked as outlined herein or under the applicable union contract.
- Carrying of a cellular phone, portable radio, beeper or similar pager outside of Assigned Work Hours shall not constitute Hours Worked.

F. **OVERTIME**

- For civilian Non-exempt Employees, the City shall pay overtime for all Hours Worked over 40 hours in a work week.
- For sworn police personnel, the City shall pay overtime for all Hours Worked over 171 hours per the 28-day work period.
- For sworn fire personnel, the City shall pay overtime for all Hours Worked over 212 hours per the 28-day work period.
- The City shall also comply with overtime requirements under applicable labor agreements.
- Overtime pay required by the FLSA shall be paid at the rate of time and one half of the Non-exempt Employee's Regular Rate of Pay.
- If a Non-exempt Employee engages in unauthorized overtime, disciplinary action may ensue, up to and including termination. Any such disciplinary action shall follow requirements of any applicable union contracts and shall be based upon cause or causes listed in such contract.

**G. COMP. TIME**

- a) **Union Contract:** Certain employees are allowed, pursuant to their union contract, to use Comp. Time in lieu of cash payment for overtime Hours Worked. Those rules generally provide:
- Comp. Time shall accrue at a rate of one-and-one-half times the Hours Worked as overtime.
  - Employees may accrue a maximum of 120 hours of Comp. Time.
  - Comp. Time may be taken at a time mutually agreed upon by the employee and his/her supervisor, but must be taken within three months after the end of the calendar year in which it is earned. Comp. time may be taken within a reasonable period after a request is made, if it does not unduly disrupt City operations.
  - Any Comp. Time for the prior year remaining 90 days past year end shall be paid in the usual payroll manner.
  - The employee retains the right to cash out his/her Comp. Time at any time.
  - Any specific questions with regard to the availability of interpretation of Comp. Time under union contracts should be directed to the Labor Relations Director.
- a) **Other Employees:** As to Non-exempt employees who are not a member of a collective bargaining unit, the FLSA provides that such employees may use Comp. Time in lieu of the cash payment of overtime, so long as there is an agreement between the employer and employee permitting such use. This Policy is intended to memorialize such an agreement and will affect the following

employees: Administrative and Executive employees who are Non-Exempt; any full-time unclassified employees who are Non-Exempt. These non-bargaining unit employees shall be permitted to use Comp. Time in lieu of the payment of overtime consistent with the provisions of the union contracts identified above.

b) **Administration:**

- The Finance Department shall provide supervisors with approved forms (Time and Attendance forms) to record Comp. Time accrued and used.
- Supervisors are required to report Comp. Time accrued and used on such forms. The Finance Department shall administer and track Comp. Time.
- Comp. Time submitted for pay in excess of the current accrued Comp. Time balance will be adjusted by the Finance Department to a different leave type (e.g., first to annual leave if a balance exists; if not, to leave without pay).
- Since it is an employee's responsibility to know his or her leave balances, including Comp. Time balance, requesting any leave not accrued may be grounds for disciplinary action.

**H. RECORD KEEPING**

- The Finance Department and/or Personnel Department of the City of Omaha shall maintain at least the following records for each employee:
  - Employees name and identification number
  - Home address, or last known address
  - Birth date of employee if under 19 years of age
  - Classification of employee
  - Work week or work period of employee
  - Regular Rate of Pay
  - Hours Worked per work week or work period
  - Hours Worked per day
  - Total earnings during the work week or work period, exclusive of overtime pay
  - Total overtime earnings
  - Total addition or deductions of Hours Worked from work week or work period
  - Total wages paid per pay period
  - Date paid and pay period covered by payment
- Payroll records shall be maintained for three years. Backup material to the pay records shall be maintained for two years.
- Payroll records shall include computations under the applicable union contracts and the FLSA.

**I. TRAINING**



- Any training (i.e. seminars, classes, lectures) engaged in by Non-exempt Employees shall be considered Hours Worked if directed and approved by his/her supervisor; however, time spent by Non-exempt Employees in pre-approved training will not be considered Hours Worked if:
  - Time is outside of Assigned Work Hours; and,
  - The course subject is unrelated to the employee's regular job (such as learning the requirement of a new or higher rated job); and,
  - Attendance is truly voluntary; and,
  - No production work is performed
- Voluntary attendance by a Non-exempt Employee at programs of instruction offered by bona fide institutions of higher learning (or programs of instruction offered by the City which correspond to courses offered by bona fide institutions of higher learning) outside of an employee's Assigned Work Hours, shall not be considered Hours Worked even if these courses are directly related to an employee's job or paid for by the City.
- Training to obtain or maintain a license, or for refresher courses, engaged in by a Non-exempt Employee outside of an employee's Assigned Work Hours shall not be considered Hours Worked.
- Any other time spent outside the classroom, lecture or seminar, such as study time, group discussions and social events, shall not be considered Hours Worked, unless pre-approved by the employee's supervisor.

**J. TRAVEL TIME**

In general:

- Any travel time on a work-related trip which occurs during a Non-exempt Employee's Assigned Work Hours is Hours worked.
- Meal time occurring during any travel time on a work-related trip is not Hours Worked unless such time is compensated pursuant to the applicable union contract.
- Any work actually performed by a Non-exempt Employee for the benefit of, and at the direction of, the City during any travel time is Hours Worked.

Particularly:

Travel time INSIDE THE Omaha metropolitan area ...

- From job site to job site, when required as part of the Non-exempt Employee's principal work activity is Hours Worked.

- To commute to and from work is not Hours Worked.
- Between a Non-exempt Employee's home and an airport or other public conveyance terminal so that the employee may travel on such public conveyance for work-related purposes is not Hours Worked.

Travel time OUTSIDE THE Omaha metropolitan area ...

- On a work-related trip lasting one day or less on any public conveyance or in a private automobile is Hours Worked.
- On any public conveyance on a work-related trip which involves an overnight stay is not Hours Worked.
- In an automobile on a work-related trip which involves an overnight stay is Hours Worked if the Non-exempt Employee drives the automobile at the City's request; such time is not Hours Worked if the Non-exempt Employee is a passenger in such automobile.
- If the City offers public transportation for such trip and the Non-exempt Employee is permitted to drive an automobile, the only time considered Hours Worked would be the time for such public transportation.

**K. DRUG TESTING**

- Drug and alcohol testing shall be conducted during Assigned Work Hours, except as directed by an employee's supervisor.
- The time spent for City-ordered drug and alcohol testing outside of Assigned Work Hours shall be considered Hours Worked.

**L. CITY OWNED VEHICLES**

- Non-exempt Employees are required to engage in all repair, maintenance and cleaning of City-owned vehicles or other City-owned property entrusted to the employee during the employee's Assigned Work Hours. Such activities outside of the Assigned Work Hours shall not be permitted, except in an emergency.

**M. DISCIPLINE OF EXEMPT EMPLOYEES**

- Exempt Employees shall not be subject to disciplinary action resulting in a suspension without pay for a period of less than a work week, except for safety violations of major significance.

**N. ADJUSTED WORK SCHEDULE.**

- Consistent with applicable labor agreements, supervisors may change an employee's Assigned Work Hours within a work week or work period.

**O. OUTSIDE EMPLOYMENT**

- Classified employees are expected to comply with existing procedures for the approval of outside employment.
- Any request for approval of outside employment from classified employees will be denied if the Non-exempt Employee is proposing to work at a City facility (i.e., Rosenblatt, Auditorium, Orpheum) for another employer in the same capacity as he or she works for the City.
- Non-exempt unclassified employees are not permitted to engage in any other employment at a City facility (i.e., Rosenblatt, Auditorium and Orpheum) for another employer in the same capacity as he or she works for the City.
- Supervisors shall notify all outside contractors of this policy and ensure that such outside contractors comply with this policy.

**P. AUDIT**

- The Personnel, Finance, or Law Departments shall regularly conduct audits or investigations to evaluate whether the City is in compliance with this Policy and/or the FLSA by reviewing payroll records, interviewing a random sample of employees and such other activities as are deemed necessary.
- Any noncompliance discovered shall be documented and reported to the FLSA Compliance Committee for the implementation of appropriate policies, procedures and/or disciplinary action to rectify the situation.

**Q. FLSA COMPLIANCE COMMITTEE**

- An FLSA Compliance Committee shall monitor, investigate and develop policies and procedures relative to FLSA practices within the City. Such committee shall be made up of representatives from Personnel, Finance, Law, Police, Fire and such other Departments as are deemed necessary to appropriately address the FLSA issues raised.



**FLSA COMPLIANCE POLICY**  
**APPENDIX A**



**INTER-OFFICE COMMUNICATION**

**POLICE DEPARTMENT**  
**"To Serve and Protect"**

April 22, 1996

**TO:** See Distribution  
**FROM:** Police Chief Jim Skinner  
**SUBJECT:** FLSA POLICE ISSUES

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**THIS INTER-OFFICE WILL DEAL WITH SPECIFIC POLICE-RELATED FLSA ISSUES. IT DOES NOT, IN ANY WAY, ALTER OR AFFECT THE TERMS OR OBLIGATIONS OF ANY COLLECTIVE BARGAINING AGREEMENT. ALL SUPERVISORS RECEIVING THIS INTER-OFFICE SHALL ENSURE THAT THE DIRECTIVES AND PROCEDURES CONTAINED HEREIN ARE STRICTLY FOLLOWED. ANY QUESTIONS CONCERNING ANY OF THE FLSA ISSUES AS OUTLINED IN THIS INTER-OFFICE SHALL BE DIRECTED, IN WRITING, TO DEPUTY CHIEF MARTY CROWLEY. ALL EMPLOYEES ARE EXPECTED TO COMPLY WITH THE CITY OF OMAHA FLSA COMPLIANCE POLICY AND THIS APPENDIX A.**

**OVERTIME:**

- All policies requiring pre-approval of overtime shall be strictly followed. No employee may unilaterally extend his/her Assigned Work Hours.
- Any employee violating this directive or existing overtime policies and regulations may be subject to disciplinary action, up to and including termination.

- All employees are expected to accurately and fully report all time during which they are engaged in work. All time records shall accurately record the actual time worked by an employee.
- Regular Rate of Pay is generally governed by the City of Omaha "FLSA Compliance Policy." For Police purposes, this currently includes the following: longevity pay, shift differential, educational incentives, specialty pay, and premium pay.

#### **K-9 UNIT:**

- Officers assigned to K-9 duty who take a dog home shall perform all routine dog care during their Assigned Work Hours. Such activities shall include: (1) Training the dog; (2) Exercising the dog; (3) Grooming the dog; (4) Feeding the dog one meal; (5) Routine veterinarian care and, to the extent possible, all emergency veterinarian care; (6) Purchasing food and supplies; and (7) Any other activities related to the care and maintenance of the dog.
- One-half hour per day (14 hours per 28-day work period) to engage in any other activities necessary for the proper care of the assigned dog shall be added to the number of Hours Worked by K-9 officers for FLSA purposes.
- Any time beyond the work period allowance which is spent in off-duty at-home dog care shall be reported on a log identifying the activities, the time at which the activity took place, and the duration of the activity. The log shall be submitted to the officer's supervisor by the end of the first shift immediately following the day in which the activity occurred. The log shall be reviewed by the appropriate command personnel to determine if such additional time is considered Hours Worked, if adjustment of the work period allowance is appropriate, or if other appropriate action should be taken.
- Any officers assigned to K-9 duty shall be required to sign and agree to the terms contained in the attached "Off-Premises Dog Care Agreement." (Attachment 1).

#### **MOUNTED PATROL:**

- Officers assigned to this unit will perform all work during Assigned Work Hours, except as specifically directed by their supervisor. Work to be done on duty shall include: (1) Appearing in parades and events; (2) Grooming or caring for the horses; (3) Training the horses; (4) Obtaining supplies for the patrol; (5) Cleaning the stables; (6) Maintaining or repairing equipment or the stables; (7) Selecting new horses; (8) Arranging for disposal of horses; and (9) Arranging any shows or training sessions with outside entities.
- Any work performed outside of Assigned Work Hours shall be compensated pursuant to the union contract.

**THE FIFTEEN-MINUTE BRIEFING PERIOD:**

- The fifteen-minute briefing period is abolished within the Police Department, except for Uniform Patrol Bureau and for Police recruits. Persons assigned to any other unit shall not be at their assigned work station in violation of the City's FLSA Compliance Policy.
- For each officer in Uniform Patrol or Recruit Training who reports for the briefing period, fifteen minutes for each day worked will be included in the officer's Hours Worked for FLSA purposes.

**HONOR GUARD:**

- This function has been taken over and will be managed by the Police Department. Employees assigned Honor Guard duties will perform such duties during their Assigned Work Hours, except as specifically directed by their supervisor.
- Any work performed outside of Assigned Work Hours shall be compensated pursuant to the union contract.

**UNIFORM FITTING:**

- Employees must have all uniform fitting, including fitting of bullet-proof vests or other associated personal equipment, pre-approved by their supervisor in writing. All such fittings shall be done during Assigned Work Hours, if possible.
- Any pre-approved fittings outside of Assigned Work Hours shall be added to the officer's Hours Worked for FLSA purposes.

**POLICE ACADEMY:**

- The class schedule for the Police Academy shall be monitored by Police Department Training supervisors to eliminate or minimize FLSA overtime.
- Academy attendees shall be required to sign and agree to the terms contained in the attached "Academy Work Hours Agreement." (Attachment 2).
- Supervisors shall not require that a recruit perform any work related to the Academy outside of the recruit's Assigned Work Hours unless the specific work required is in writing. Supervisors who violate this Policy may be subject to disciplinary action, up to and including termination.

**TELEPHONE CALLS:**

- No employee shall call any off-duty employee below the rank of Lieutenant for work purposes, except in an emergency. To the extent possible, all work-related tele-phone calls shall be conducted between on-duty personnel.
- Any work-related telephone calls of eight minutes or more that any Non-exempt Employee receives or makes while off-duty shall be reported by the end of the next duty shift to the employee's supervisor. The report shall identify the parties to the call, the duration of the call, the time of the call, and the reason the call was made.
- Any off-duty calls of eight minutes or more shall be reported pursuant to the attached "Off Duty Telephone Log and Procedures." (Attachment 3).

**EMERGENCY RESPONSE UNIT:**

- Officers assigned ERU duty shall be responsible for keeping in proper, accepted physical condition.
- Such officers must agree that twelve hours per work period added to their Hours Worked for FLSA purposes fully compensates them for ERU exercise.
- Such officers shall be required to sign and agree to the terms contained in the attached "Off-Premises ERU Work Hours Agreement." (Attachment 4).

**POLICE ATHLETIC LEAGUE - AND OTHER NON JOB-RELATED ACTIVITIES:**

- Any such activities are hereby completely and unequivocally removed from any Police Department control.
- No employee shall assume that any activity is compensable Hours Worked unless specifically authorized by the Department.
- For FLSA purposes, time spent by Non-exempt Employees responding to subpoenas for court proceedings, which are issued by anyone other than a representative of the City, shall not be considered Hours Worked unless specifically authorized by the Department.

**OFF-DUTY EMPLOYMENT AT CITY FACILITIES:**

- A City policy provides that all City employees are prohibited from performing the same job they perform for the City for any contractor at any City facility. Pursuant to this Policy, no Omaha police officer will be authorized to perform security activities at the Civic Auditorium, Rosenblatt Stadium, or any other City facility while off-duty, regardless of whether or not the employment requires the use of the official uniform.
- The City will not consider private, off-duty employment performing security services as Hours Worked. Any police officer making an arrest while in an off-duty capacity must report the time spent during that arrest to the officer's supervisor by the end of the next shift. The report shall be reviewed to determine if the time should be considered Hours Worked for purposes of the FLSA.

**DRUG TESTING:**

- All drug testing shall be conducted during Assigned Work Hours to the extent possible. Any testing conducted outside of an officer's Assigned Work Hours shall be pre-approved by the supervisor, and the time spent in testing shall be reported during the next work shift. The officer shall provide a written explanation for any time beyond one hour.
- Any drug testing outside of an officer's Assigned Work Hours required by the City shall be Hours Worked for FLSA and contract purposes.

**TRAINING:**

- All Information Orders and Personnel Orders that contain information concerning any type of outside training for members of the Police Department will contain the following paragraph:

“Individuals selected for this school will be compensated at their normal pay for the classroom hours. Any other time spent outside the classroom, such as study time, group discussions, etc., is solely at the individual's personal discretion and will not be considered Hours Worked unless approved in advance in writing.”



- Officers shall be compensated for attending training according to the City's FLSA Compliance Policy.
- Officers attending training must sign and agree to the terms and conditions in the attached "Off-Premises Training Work Hours Agreement." (Attachment 5).

**FLSA VIOLATIONS REPORTING PROCEDURE:**

- The City of Omaha's "FLSA Compliance Policy" states that, "Employees are required to immediately report to their supervisors any circumstances giving rise to a possible violation of this Policy. Supervisors shall promptly transmit such reports to the Personnel Director for investigation."
- Approximately one month prior to each shift change, the Chief will send an inter-office to all Deputy Chiefs stating the following:

"Based upon City policies that you have received concerning the FLSA, are you aware of any violations within your specific area of supervision and/or any that are in City government?"

"If you are aware of any FLSA violations, that information must be documented and sent to me in an inter-office within 48 hours of receipt of this inter-office. If you are unaware of any FLSA violations, please note that fact in writing on this inter-office and return a copy of it to me within 48 hours of receipt of this inter-office."

- The Deputy Chiefs shall utilize the same procedure in writing, via inter-office, to those individuals next in line in their chain of command. This inter-office reporting system shall be used in the Police Department through, and including, the rank of Police Sergeant.

## FLSA COMPLIANCE POLICY

### APPENDIX B

#### FLSA Audit

The following activities shall be undertaken per the direction of the FLSA Compliance Committee to audit and monitor compliance with this Policy.

- On a monthly basis, the FLSA committee will review the Finance Department's records reports showing overtime to be paid for that period and shall make such recommendations deemed appropriate to ensure prudent management of overtime.
- At least twice a year, the FLSA Compliance Committee will send a questionnaire to each Department Head asking the Department Head to verify that he or she is not aware of any violations of this Policy. Department Heads are expected to undertake such investigations as deemed appropriate to assure themselves that the verification is an accurate reflection of the practices within his, or her, Department.
- Within six months after the distribution of this Policy to all City employees, the FLSA Compliance Committee shall mail a questionnaire to each City employee, at his or her home address, asking employees to notify the Personnel Department of any violations of this Policy and to report any Hours Worked that have not been previously reported. Employees are expected to honestly and timely respond to the questionnaire. Any information generated from the questionnaire indicating a violation of this Policy will be investigated by the Personnel Department and appropriate action taken. Thereafter, on an annual basis, the questionnaire will be sent to a random sample of City employees. Information gathered from the questionnaire indicating a violation of this Policy will be investigated by the Personnel Department and appropriate action taken.
- As deemed appropriate, selected audits shall be undertaken to determine the accuracy of Time and Attendance records.
- The classification of employees as Exempt or Non-exempt under the FLSA shall initially be made by the Personnel Director as a result of a review of questionnaires prepared by each employee. Thereafter, the categorization as Exempt or Non-exempt shall be reviewed whenever a job study is initiated or when such information is brought to the attention of the Personnel Department indicating that the requirements of a job have changed, thereby necessitating a change in the Exempt/Non-exempt status. On an annual basis, the Personnel Department shall require all employees to respond to a questionnaire asking them to identify whether the requirements of their job have changed so that the Personnel Director can identify class specifications or jobs that should be reviewed and the Exempt/Non-exempt status changed, if deemed appropriate.

- Every existing and new employee shall receive a copy of this policy.
- All supervisors having responsibility for maintaining time and attendance records and/or approving overtime shall be periodically trained in the requirements of this policy.