

**NORTH GEORGIA HEALTH DISTRICT**  
**County Board of Health Personnel Policy #1001**  
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

**FAIR LABOR STANDARDS ACT**

**EFFECTIVE DATE:** May 1, 2010

**RELEASE DATE:** May 1, 2010

**REFERENCE:** Fair Labor Standards Act (29 U.S.C. Chapter 8, §201 *et al.*)  
Federal Department of Labor Regulation (29 C.F.R. Part 516 *et al.*)  
State Law (O.C.G.A. §39-2-1 *et al.* - Regulation and Employment of Minors)

All employees of the County Board of Health (CBH) are covered by the Wage and Hour provisions of the Federal Fair Labor Standards Act (FLSA) unless specifically exempted. The provisions of FLSA include guidance for establishing work periods, payment of minimum wages, hours of work, overtime compensation and required record keeping.

**CATEGORIES OF EMPLOYEES**

1. Employees who are **covered** by the Wage and Hour provisions of FLSA are considered FLSA **non-exempt** employees.
2. FLSA **exempt** employees are **not covered** by the provisions of FLSA because their work assignments fall into one of the following categories:
  - Executive
  - Professional
  - Administrative
3. Designations of exempt or non-exempt status are made by the District Personnel Office based on criteria established by the Fair Labor Standards Act. Such designations are made on an individual basis and are based on the actual work responsibilities assigned to each employee.

**WORK PERIOD**

1. The standard FLSA work period is a fixed period of seven (7) consecutive calendar days. It does not need to coincide with the calendar week and may begin on any day and at any time.
2. A work period must be established in writing for every employee (both exempt and non-exempt) and must be on file in an accessible location. The work period must define the time of day and day of the week when the employee's

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work period begins and ends. The established work period for each NGHD work unit is Saturday at 12:01 a.m. to the following Friday at midnight.

**NOTE: Exempt employees are required to have a defined work period in the event that they assume non-exempt duties for a period of time, which may make them eligible for FLSA overtime compensation.**

### TIME WORKED

3. An established work period may be changed if the change is intended to be permanent and not for the purpose of avoiding the accrual of FLSA overtime.
1. Time worked includes all time non-exempt employees are required to be on duty at prescribed work places, and all time during which non-exempt employees are suffered or permitted to work.
  - 1.1 Non-exempt employees must be compensated for all time which supervisors know or have reason to know is being worked, not simply the time which non-exempt employees have been required or asked to work.
  - 1.2 Supervisors are not to ignore work which non-exempt employees do on their own time. Non-exempt employees are required to report all time worked.
  - 1.3 Non-exempt employees who work without authorization are subject to disciplinary action, up to and including separation.
2. **Meal Periods** -Although meal periods are not required by FLSA, it is the policy of CBH that meal periods be provided to employees unless there are specific work-related reasons for not allowing meal periods.
  - 2.1 Meal periods are not considered work time as long as non-exempt employees do not perform any work-related duties for an uninterrupted period of **at least 30 minutes**.
  - 2.2 Meal periods should be regularly scheduled based

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- on non-exempt employees work assignments and the needs of the CBH work unit.
- 2.3 Non-exempt employees are not allowed to occupy their work stations during meal periods.
3. **Break Periods** -Short break periods are counted as time worked.
- 3.1 Break periods are not required by FLSA; however, up to two 15minute break periods per day **may** be authorized at the discretion of supervisors, and if work assignments permit.
- 3.2 Supervisors may schedule break periods if determined appropriate within the CBH work unit.
- 3.3 Since break periods are work time, non-exempt employees **are not authorized** to lengthen a meal period, report late to work, or leave early by working through a break period.
4. **Meetings/Training** -Time spent by non-exempt employees attending meetings, training and similar activities must be counted as time worked, unless **ALL** of the following criteria are met:
- 4.1 The attendance is outside of non-exempt employees' regular working hours;
- 4.2 The attendance is voluntary;
- 4.3 The meeting, training or similar activity is not directly related to non-exempt employees' positions; and
- 4.4 Non-exempt employees perform no work related to their positions while in attendance.
5. **On-call** -Non-exempt employee's who are not required to remain on the work premises and are free to engage in personal activities, subject only to the understanding that the supervisor knows how to reach them, are not working while on-call.
- 5.1 All time which non-exempt employees spend

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actually performing work while on-call is time worked.

- 5.2 If actual calls are so frequent or the on-call conditions are so restrictive that non-exempt employees are not free to use the intervening periods effectively for personal benefit, the time must be considered time worked.

6. **Travel** -Normal travel from home to work and return is not work time. This is true whether the non-exempt employee has a fixed workplace or works at different locations.

- 6.1 Travel to work assignments at sites within reasonable commuting distance of the non-exempt employee's primary work site is considered in the home to work category and is **not** work time. If, however, a non-exempt employee is required to stop by the primary work site for instructions or to pick up materials, the travel from the primary work site to the work assignment **must** be counted as time worked.

- 6.2 Travel between a non-exempt employee's normal work site and another place of assignment, or travel between one assignment and another during the work day, is considered time worked.

- 6.3 Travel associated with a one-day assignment at a different location must be considered time worked to the extent that the travel exceeds the time spent in the non-exempt employee's normal travel between home and work.

- 6.4 The FLSA does not require that travel time out-of-town for overnight stay as a **passenger** outside of normal work hours be counted as time worked. It is the policy of CBH to count bona fide travel time of non-exempt employees which include the driver and all passengers outside normal work hours as work time.

- 6.5 FLSA **exempt** employees are **not** entitled to any compensation for travel time either outside of, or in addition to, their normal hours of work.

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### MANAGEMENT OF WORK HOURS

1. Supervisors are responsible for monitoring arrival and departure times of non-exempt employees to ensure accurate records are maintained and to minimize overtime worked.
2. Non-exempt employees are not allowed to occupy their work stations before their scheduled work day begins, during meal periods, and after their work day ends.
3. Non-exempt employees are required to accurately sign in and out (recording time to the exact minute) when they arrive and leave their work areas. Non-exempt employees who fail to correctly record actual work time are subject to disciplinary action up to and including separation.
4. Exempt employees generally do not complete time sheets to record work time. Since exempt employees are paid on a salary basis, time sheets should not be kept unless they are required in order to comply with programmatic certification requirements, such as JCAHO.
5. Time worked by non-exempt employees should be reviewed prior to the end of the work period (when possible) to determine if overtime may occur. Non-exempt employees' work schedules may be adjusted to prevent overtime work.
6. If a non-exempt employee arrives after the scheduled reporting time, the supervisor may allow the non-exempt employee to adjust the work schedule within the work period to make up the time if tardiness seldom occurs and the adjustment is otherwise determined appropriate. If frequent tardiness occurs, the non-exempt employee should not be allowed to make up the time. The non-exempt employee may be placed on unauthorized leave without pay, placed on an attendance plan, and disciplinary action may be taken.
7. Non-exempt employees must generally receive **prior** approval to work overtime. In unique or emergency situations, prior approval may not always be possible. Overtime worked in these instances must be reported to the supervisor as soon as possible. Non-exempt employees may be required to explain why overtime was necessary and why pre-approval was not possible. Whether authorized or not, **all** overtime work must be accurately and promptly

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recorded.

8. Overtime should not generally be granted for non-exempt employees when work should be completed during the work day. Supervisors should closely monitor all overtime worked in these instances.
9. A statement regarding responsibility and accountability for managing the provisions of FLSA is to be included on Performance Management Forms (PMF) of supervisors who supervise non-exempt employees. These supervisors are to be evaluated on their PMF based on compliance with FLSA.
10. Non-exempt employees are to be evaluated on their PMF regarding adherence to FLSA requirements.
11. A method for monitoring all overtime worked should be put in place in every work unit.

### OVERTIME

1. If overtime occurs (non-exempt employee actually **WORKS** more than 40 hours in a work period) the non-exempt employee is to receive **time and a half FLSA compensatory time** for the amount of overtime worked.

**NOTE:** **FLSA compensatory time is not granted to non-exempt employees who may have been in pay status for more than 40 hours during a work period due to a holiday or use of accrued leave, but who did not actually WORK more than 40 hours. (See Policy #1012 - State Compensatory Time and/or Policy #1004 - Holidays)**

2. **FLSA exempt employees are NOT entitled to FLSA compensatory time for time worked over 40 hours in a work period.** In unusual circumstances when an exempt employee is required to work an **extraordinary** number of hours, the manager may grant some time off within a reasonable period of time. Time off for exempt employees, however, should **not** be on an hour for hour basis.
3. The actual amount of FLSA compensatory time earned by non-exempt employees (i.e., not rounded off) should be

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reported to the supervisor each work period by using the FLSA Time Record.

4. The accrual and usage of FLSA compensatory time must be reported on the appropriate Monthly Leave Sheet (rounded to the nearest quarter hour).
5. Non-exempt employees may accrue up to a maximum of 240 hours of FLSA compensatory time (160 overtime hours worked x 12 = 240 hours of compensatory time).
6. Non-exempt employees must receive overtime payment for FLSA compensatory time accrued in excess of the maximum described in paragraphs 5 above.

### **COMPENSATORY TIME USE AND PAYMENT**

1. Non-exempt employees must be permitted to use FLSA compensatory time within a reasonable period after making the request if the granting of such time off does not unduly disrupt the operations of the CBH work unit.
2. Supervisors must **require** non-exempt employees to take FLSA compensatory time in lieu of annual leave. Non-exempt employees may **request** FLSA compensatory time in lieu of sick leave or personal leave.
3. FLSA compensatory time cannot be transferred between State agencies or different CBH (e.g., from DCH organizational unit to a Public Health organizational unit). Payment for FLSA compensatory time must be made by the losing CBH at the time a non-exempt employee transfers to another CBH or to another state agency.
4. Non-exempt employees must be paid for accrued and unused FLSA compensatory time at the higher of the following rates:
  - 4.1 The average regular rate received by the non-exempt employee during the last three (3) years of employment; or
  - 4.2 The final regular rate received by the non-exempt employee.
5. Monetary payment of overtime to non-exempt employees will be made only in unique or critical circumstances and must have prior approval from the District Financial Manager. The

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FLSA Non-Exempt Comp Time Pay Sheet Request PERS 032 (Attachment #1) should be completed to request payment and is available online at [www.nghd.org](http://www.nghd.org). This form should be sent to the District Personnel Office for processing.

5.1 Overtime payments are calculated on an hourly rate by adding the non-exempt employee's annual salary and supplemental pay, (i.e., county supplement, etc.) and dividing the sum by 2,080 hours.

5.2 Overtime payment is calculated on the rate in effect when the overtime was earned.

### **CHILD LABOR LAWS**

1. In accordance with Federal and State Laws, selected applicants under the age of 18 are required to submit an employment certificate to the hiring official prior to being employed by CBH. Employment certificates are issued by County Boards of Education or private schools, whichever is applicable.
2. The type of work that may be performed by employees under the age of 18 is restricted by Federal and State Laws. Decisions regarding the provisions of the child labor laws will be made on a case by case basis.
3. Failure to comply with child labor laws may result in the Board being fined up to \$10,000.00.
4. The District Personnel Office must be contacted prior to hiring applicants under the age of 18.

### **RECORD KEEPING**

All FLSA records must be kept for at least three (3) years. These records include, but are not limited to:

1. *UNDERSTANDING CONCERNING FLSA COMPENSATORY TIME* Form (Attachment #2) signed by all new employees;
2. Written records of employee's work periods;
3. Records of each non-exempt employee's daily and weekly time worked signed by the employee and supervisor which will be kept by each supervisor;
4. The amount of FLSA compensatory time accrued by each non-exempt employee during each work period;

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5. The amount of FLSA compensatory time used in each work period by each non-exempt employee; and,
6. The amount paid for FLSA compensatory time and the basis of payment.

For additional information or assistance, please contact the District Personnel Office at 706/272-2342.

### ATTACHMENTS:

Attachment #1 – *FLSA NON-EXEMPT COMP TIME PAY SHEET REQUEST*  
(*PERS 032*)

Attachment #2 - *UNDERSTANDING CONCERNING FLSA COMPENSATORY TIME*