



Policy

POL.COR.17.06 Lieu and Overtime Policy

Policy Type: Corporate (Approved by Council)
Date approved: September 9, 2024
Department: Administration
Staff Report: FAF.17.147, FAF.24.0.94

Policy Statement

While striving to deliver high-quality programs and services, every attempt should be made to minimize the need for overtime hours. Employees are expected to carry out their normal duties and responsibilities without incurring overtime costs. If it becomes necessary to assign an employee to work overtime hours, the following provisions shall apply.

Purpose

The purpose of this policy is to describe the responsibility, processing and recording of overtime and/or time in lieu for each Town employee.

Application

This policy applies to non-unionized employees at all locations of the Corporation. For unionized positions, refer to the applicable collective agreement.

Definitions

Lieu Time: means earned, authorized paid time off work taken rather than being paid overtime. Also referred to as "time off in lieu".

Overtime: means authorized hours worked over forty-four (44) hours per week or authorized hours worked over the employee's regularly scheduled bi-weekly hours and paid to the employee at 1.5 times the employee's regular rate of pay, often referred to as "time and a half".

Procedures

Members of the Senior Management Team, Fire Chief, Deputy Fire Chief and the Town Clerk who are regularly required to work extra hours, including membership on the Town's

Emergency Control Group, receive an automatic seventy (70) hours time in lieu of overtime pay. Unused lieu time will not be eligible for payment or carry-over to the following year.

Members of the Management Team who are regularly required to work additional hours due to the nature of their responsibilities, including membership in the Town's Emergency Control Group, will receive an automatic time off in lieu of overtime equivalent to one (1) standard work week for their respective position. The lieu time is to be taken at a time that is mutually acceptable.

Newly hired members of the Management Team and Senior Management Team who receive time off in lieu of overtime will have this time pro-rated based on a start date of January 1 – August 31st. Managers or Senior Managers starting after September 1st in the year will not receive lieu time until the following year.

Overtime is paid to employees in non-unionized positions that are non-management based on the following:

- If mutually agreeable when a task requires an employee to work outside the normal working hours, the Manager or Director may flex the hours of the employee to meet the needs of the job to be performed.
- Employees who work overtime hours must be authorized by the Manager or Director.
- An employee will not be compensated for overtime of less than half an hour.
- Overtime will be paid at 1.5 times the employee's normal rate of pay and will be paid for overtime hours worked in excess of the employee's regularly scheduled bi-weekly hours.
- Weekly overtime will be paid for hours worked over forty-four (44) hours in accordance with ESA.
- Overtime pay will normally be paid to the employee in the pay period following the overtime unless the time is banked to take at a future date.
- When relieving in an acting position for which the employee is being paid a higher rate of pay, all authorized overtime hours worked in the higher-rated position will be compensated using the higher rate of pay to calculate the overtime payment.
- When working extended overtime periods, a minimum of eleven (11) hours off duty must be granted before the employee is requested to report back to work.
- The total amount of overtime that an employee is allowed to work may not exceed the limits established under applicable legislation.

Managers and Directors are required to manage and track the overtime being worked within their respective divisions/departments and provide bi-annual reports and recommendations to the Senior Management Team in (January and July). Based on a review of the overtime

reporting, the Senior Management Team will propose any necessary resourcing or service level changes to Council for consideration during the annual budgeting process.

Time Off in Lieu of Overtime

Upon authorization, eligible employees may convert earned, authorized, overtime hours into paid time off in lieu of overtime, according to the following provisions:

- Time off in lieu of overtime pay: Employees shall earn 1.5 hours of paid time off for each hour of overtime worked beyond forty-four (44) hours weekly or their regularly scheduled bi-weekly hours.
- Requests for time off in lieu of overtime pay must be made by the employee through the Town's time tracking software;
- An employee may convert earned overtime hours up to a maximum of five (5) equivalent regular workdays at any time per calendar year on a one (1) time basis only. No further conversions are permitted in a calendar year;
- Time off in lieu of overtime must be taken at a time approved by the immediate supervisor, and may not be carried over, in whole or in part, from one (1) calendar year to another;
- Overtime may not be banked within the month of December;
- Any lieu time taken will be time off with pay, and paid at the employee's current regular rate of pay;
- The minimum amount of time lieu time that can be taken is 0.5 hours;
- Any banked overtime remaining at year end will be paid out in full;
- Employees may use lieu time before they use vacation time;
- Employees will be paid out all overtime in their banks prior to transferring to another position/division within the organization;
- All overtime banks will be paid to the employee upon termination of employment.

Exclusions

- Hours absent from work due to any of the reasons listed below will not be included in the calculation of weekly overtime:
 - Unpaid Sick Leave;
 - Approved Absences other than Vacation and Bereavement;
- Hours not worked, but paid to the employee as a part of a minimum reporting allowance, may not be used in the calculation of overtime payments;

- Employees may not claim overtime hours for time spent at educational/training, seminars, conferences or travel time for which the employee has, in consultation with the Supervisor, Manager, or Director, elected to attend;
- Hours granted to an employee in lieu of overtime may not be used in the calculation of overtime payments;
- Management reserves the right to deny a personal shift exchange if it will result in overtime hours;
- Employees who are regularly scheduled to work on-call are exempt from the calendar maximum of five (5) days in lieu banked per calendar year;
- A maximum of one (1) standard work week may be regularly banked in lieu and replenished during the year. No more than one (1) standard work week may be banked at any given time. All overtime amounts in excess of one (1) standard work week will be paid out on the next regular payroll deposit.

Consequences of Non-Compliance

The Manager or Director is responsible to ensure that all overtime is authorized ahead of time worked and is responsible to manage the workload of the department to ensure that overtime is not a regular occurrence. Employees are responsible for the accurate recording of hours worked in accordance with this policy. Where it is determined that an employee is in contravention of any of the foregoing, disciplinary action shall be taken which may include reprimand, suspension or dismissal.

Review Cycle

This policy will be reviewed once per term of Council or as required due to legislative change.