

Corporate Policy	 Hamilton	
Human Resources		
Policy No: HR-20-09		
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Overtime Policy	
POLICY STATEMENT	The City of Hamilton recognizes that due to contingency of service demands beyond their regularly scheduled work, some non-union employees are required to work overtime. This policy defines overtime eligibility for non-union individuals.
PURPOSE	The purpose of this policy is to ensure accurate and authorized payments for overtime. This policy will confirm the remuneration practices for non-union employees working under the overtime provisions, including when they occur under a declared emergency.
SCOPE	This policy applies to all permanent, temporary or contract full-time employees of the City of Hamilton who have successfully completed their probationary period. This policy excludes unionized employees.
DEFINITIONS	The following terms referenced in this Policy are defined as:
Overtime	Overtime is for extra hours worked, performed outside of an employee's regular work day or work week. It is work requested by and approved by a supervisory or management employee. Overtime is not travel time or extra hours worked voluntarily to enable an employee to work a flexible schedule.
Overtime Eligible/Designated	Employees designated as such do not receive paid leave in lieu of overtime. Authorized overtime is paid out in cash or employee may bank the lieu time as described in this policy.
E-day Eligible/Designated	Employees designated as such are entitled to paid leave in place of overtime.
Lieu Time	Lieu time is time taken off from work with pay, instead of accepting overtime pay.
Emergency	A Municipally, Provincially, or Federally declared emergency (Labour Disruption, Pandemic, natural disaster etc.).
PRINCIPLES	This policy is to ensure that all City of Hamilton employees are fairly and equitably compensated for the delivery of services during overtime conditions outlined in this policy.
TERMS & CONDITIONS	<u>Overtime</u>
	Eligibility Non-union employees are entitled to paid leave in place of overtime or overtime pay and/or lieu time as outlined in this policy.
	Entitlement (E-day designated positions) Five days of paid leave (e-days) in place of overtime is granted to: <ul style="list-style-type: none"> • City Manager • General Managers • Executive Directors • Directors • Managers and supervisors whose work is supervisory or managerial in



character and who may perform non-supervisory or non-managerial tasks on an irregular or exceptional basis

The General Manager or Executive Director may also allocate up to five additional paid leave days in a calendar year. These days are allocated when employees cannot work a flexible work arrangement or use another option to offset work requirements.

The five days paid leave (e-days), and any additional time granted, must be taken in the calendar year in which it is assigned. Time not taken is forfeited.

Entitlement (Overtime designated positions)

The overtime eligible (non-E-day) employees are entitled to compensation for pre-authorized overtime on the following basis:

- straight time for all hours worked above the job's regular hours per day or per week up to 44 hours per week on Monday through Sunday
- time and one-half for all hours worked in excess of 44 hours per week on Monday through Sunday
- double-time for all hours worked in excess of 44 hours per week on statutory or designated holidays

Part-time employees and non-union students are entitled to overtime based on the provisions outlined in the Employment Standards Act for all hours worked in excess of 44 hours per week.

Contract employees are compensated for overtime based on the appropriate provision in their contracts.

Overtime for Statutory Holiday

Overtime worked on a Statutory Holiday will be paid in accordance with the Employment Standards Act.

Declared Emergency Entitlement (E-day designated positions)

An exception will be made to this policy for E-day eligible employees if they are required to work overtime as a direct result of a declared emergency.

All non-union E-day entitled employees will be paid as follows:

- Their straight hourly rate for all hours worked **over and above 44 hours** per week.

Declared Emergency Entitlement (Overtime designated positions)

All other full-time, non-union employees are entitled to compensation for pre-authorized overtime on the following basis:

- straight time for all hours worked above the job's regular hours per day or per week up to 44 hours per week on Monday through Saturday
- time and one-half for all hours worked in excess of 44 hours per week on Monday through Saturday
- double-time for all hours worked in excess of 44 hours per week on Sundays and statutory or designated holidays

Part-time employees and non-union students are entitled to overtime based on the provisions outlined in the Employment Standards Act for all hours worked in excess of 44 hours per week.

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Contract employees are compensated for overtime based on the appropriate provision in their contracts.

New Employees

New employees who are entitled to paid leave (e-days) in place of overtime will have this entitlement pro-rated based on the fraction of the year they are employed in the first calendar year of employment.

Status Changes

Union employees who move to permanent non-union positions entitled to paid leave in place of overtime will have this entitlement prorated in the year in which they move to the non-union position on the following basis:

- Paid leave days will be assigned based on the fraction of the year that the employee holds the entitled non-union position.

E-day eligible employees who move to temporary union positions will be paid overtime according to the provisions of the appropriate collective agreement during the period of the temporary union assignment. Employees will not be required to re-pay the City for any paid leave time already taken. Employees will have the amount of paid leave time pro-rated on the above basis when they return to their permanent non-union position.

E-day eligible employees who move to permanent union positions will lose entitlement to paid leave in place of overtime and will be paid overtime according to the provisions of the appropriate collective agreement. Employees will not be required to re-pay the City for any paid leave time already taken.

Payment Options

An employee entitled to overtime compensation may:

- receive payment for hours worked or
- bank compensation as lieu time to a maximum of two weeks regular hours, provided the employee and the department agree

Time off must be taken in the calendar year in which it is earned. Time not taken is paid out at year-end or, where applicable, when an employee changes departments.

Part-time employees and students have all overtime compensation paid out.

RESPONSIBILITIES

The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:

- All overtime hours worked must be authorized by the employee's immediate supervisor and documented accordingly.

If a Pandemic Emergency is declared, refer to the Non-Union Overtime & Standby/Call-In Pay Pandemic Emergency Policy.


COMPLIANCE

Failure to comply with this Policy and its associated Procedures will result in the employee not being compensated.

RELATED DOCUMENTS

The following related documents are referenced in this Policy:

1. *Employment Standards Act*

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		2. <i>Non-Union Overtime & Standby/Call-In Pay Pandemic Emergency Policy</i>
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ol style="list-style-type: none"> 1. <i>Senior Management Team</i> 2. <i>Non-Union Compensation Sub Committee</i> 3. <i>Overtime, Standby & Call-In Policy was divided into two policies – Overtime Policy and Standby & Call-In Policy effective April 13, 2011</i> 	