

## 3-02/010.15 - Work Schedules

In compliance with the Fair Labor Standards Act (FLSA), various Memoranda of Understanding (MOU), and the eHR Human Resources Management Application, the following policy was established:

- An eight-hour work day shall constitute a work day.
- A 40-hour work week shall constitute a work week.
- A work week is defined as a seven-day period beginning Sunday and ending Saturday during which an employee is scheduled to work a total of 40 hours.
- Employees, if authorized and directed, may work 40 hours a week in less than or more than five days (4/40, 9/80, 12/80).
- The exceptions to the work week definition are alternate work schedules, such as the 9/80 and 12/80 schedules. The work week for these two schedules begins and ends at the mid-shift of the alternate day worked/alternate day off. "Mid-Shift" is defined as four hours after the start of the alternate day on shift.
- No employee shall work more than 96 hours of overtime per calendar month (excluding on-call court time).
- No employee shall work more than 12 consecutive days without a day off, except when necessary to appear in court.
- No employee shall work more than 19 hours consecutively.
- No employee shall work back-to-back doubles except when necessary to appear in court. A back-to-back double is defined as working 16 hours or more (consecutively or non-consecutively), irrespective of start time, followed or preceded by another work period in excess of 12 hours (consecutively or non-consecutively) in any 48-hour period.

**NOTE:** The 48-hour period begins at the start of any shift worked.

- Watch commanders are authorized to waive the above excess hours/days worked limitations, due to critical staffing needs, based on their individual evaluation of each circumstance. When authorization is given to exceed hours/days worked limitations, a unit commander's memorandum shall be generated to the concerned division chief or division director with justification for the authorization.
- When an employee is expected to be on an extended absence (e.g., industrial injury, military leave, illness), the employee shall be placed on the 5/40 schedule with Saturday and Sunday off.
- A "flex" schedule is an alternate schedule that has non-repetitive days off and an irregular starting or ending time. Employees assigned to a "flex" schedule shall meet the 40-hour threshold in the work week (Sunday through Saturday), before submitting for overtime. However, an employee is permitted to work overtime not related to their normal work assignment or duties prior to meeting the forty (40) hour threshold. Payment is subject to the terms provided in the employee's MOU. The Sheriff's Department's approved work schedules include the 5/40, 4/40, and 9/80 schedules. Any exception to these approved alternative work schedules requires the following:
  - The unit commander shall submit a memorandum (SH-AD-32A) to the director of Personnel Administration Bureau, with special attention to the Pay, Leaves, and Records Units' (PLR) Manager, requesting approval. This memorandum shall include the written justification for this change, and should also identify if the requested work schedule is inclusive or exclusive of lunch periods.
  - Exceptions to the established work schedules are at the discretion of the unit commander and

shall only be sought for good business reasons (e.g., to eliminate or reduce overtime, or to complete a priority assignment). These work schedule changes require additional time accountant man-hours to monitor, validate, and perform data entry functions. Therefore, these requests shall be kept to a minimum.

- Management shall provide an employee with sufficient notice of the work schedule change, in accordance with the *Los Angeles County Code*, section 6.10.030, Reassignment Notice, or applicable MOU. Upon approval, the exemption request shall be forwarded to PLR's Quality Assurance Unit for distribution to the following:
  - Unit commander
  - Time accounting unit supervisors
  - Appropriate time accountant
- Employees covered by FLSA shall have prior approval from their supervisor before working overtime, unless such overtime worked is the result of a bona fide emergency (e.g., natural disaster, riot, spontaneous jail lockdown, etc.). Absent emergent situations, per this manual, failure to obtain prior approval violates County policy and may result in employee discipline.
- Managers and approving supervisors shall ensure that overtime is within their budget and is not misused by employees. However, any overtime that is worked by an employee and is properly documented, whether it was pre-authorized or unauthorized, shall be paid/saved, if applicable, in accordance with the FLSA.
- Supervisors shall only approve changes of an employee's regular-day-off (RDO) with sufficient, requisite, prior notice to the unit time accountant (as dictated by the *Los Angeles County Code* or MOU, which typically ranges from five to 10 days depending on the employee's job classification, based on the business needs of their unit. Supervisors shall not approve RDO changes when the sole purpose is to allow the employee to accrue deferred Holiday (F) Time.

**NOTE:** For specific information regarding work schedules and work patterns, refer to the Time and Attendance Manual, section TK-01/003.00, Work Schedules.

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