

# SCOTTS VALLEY FIRE PROTECTION DISTRICT



<b>STANDARD OPERATING PROCEDURES DATE APPROVED: APPROVED:</b>	<b>ARTICLE: I</b>	<b>SOP: 1125</b>
	<b>SECTION: 1100 PERSONNEL</b>	
	<b>SUBJECT: FLSA OVERTIME CALCULATIONS</b>	
	<b>5/7/2024</b>	

**Purpose:** To illustrate and memorialize the method for calculating FLSA overtime hours and the regular rate of pay (regular rate) for 24-hour shift employees.

**Scope:** FLSA Law requires the following for nonexempt employees:

1. Maximum hours standards for work periods
2. Calculating the Regular Rate of pay for FLSA overtime

1. Hours worked within the FLSA work period

- a. Shift employees are scheduled for forty-eight (48) hours on and ninety-six (96) hours off for a total of 192 scheduled hours within each twenty-four (24) day work period (work period) (29 U.S.C. 207 k). The work period is established by Scotts Valley Fire Protection District Policy 1202.
- b. Scheduled FLSA overtime is the **actual hours worked** in excess of 182 hours up to 192 hours for a maximum of 10 hours each work period (29 C.F.R. 553.230).
- c. Vacation, sick and workers' compensation leaves are not **actual hours worked** for purposes of calculating scheduled FLSA overtime.
- d. Pursuant to the I.A.F.F Local 3577 MOU, all unscheduled hours will be paid at 1 ½ times the employee's regular rate regardless of scheduled hours worked.
- e. Scheduled FLSA overtime will be compensated at half the regular rate (straight time scheduled hours have been calculated in the base salary). This will result in the employee paid 1 ½ time for scheduled FLSA overtime.

2. Rate Calculation

- a. Base Rate – Pursuant to the I.A.F.F Local 3577 MOU, the following calculation will apply:

$$\text{Base Rate} = \text{monthly base} + \text{monthly differential(s)}$$

$$\text{Annual Rate} = \text{Base Rate} \times 12$$

$$\text{Biweekly Rate} = \text{Annual Rate} \div 26$$

$$\text{Base Hourly Rate} = \text{Biweekly Rate} \div 112 \text{ (2 x 56 per weeks)}$$

$$\text{Base Half Time Rate} = \text{Base Hourly Rate} \div 2$$

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- b. Regular Rate – Pursuant to FLSA Law (29 U.S.C. 207 e), overtime pay is equal to 1 ½ times the employee’s regular rate, which includes all remuneration unless excluded by FLSA. Acting Pay and In Lieu Health Insurance is not included in the base pay and will be calculated at the end of each work period as follows:

**Calculating the Regular Rate with Acting Out of Class Pay**

Out of Class Pay = out of class hourly differential x out of class hours (for the work period)

Out of Class Hourly FLSA Rate = Total Out of Class Pay ÷ 192

In Lieu Health Insurance Hourly Rate = Annual Payment ÷ 2912 (annual hours)

Regular Hourly Rate = Base Hourly + Out of Class Hourly + In Lieu Health Insurance Hourly

Regular Half Time Hourly Rate = Regular Hourly Rate ÷ 2

3. Payroll Calculations

- a. The County Payroll System calculates up to 10 hours of scheduled overtime at ½ the regular rate.
- b. When unscheduled overtime is paid, the County Payroll System calculates overtime at the base rate. At the end of the work period, the County Payroll System calculates the difference between the base overtime rate and the regular overtime rate. The difference in the rates is applied to all unscheduled overtime hours within the work period.
- c. The County Paystub lists the following:

Description	Hours	Pay Rate
Overtime FLSA	Up to 10 hours of scheduled overtime	½ Regular Rate
Overtime – FLSA Premium	All unscheduled overtime hours	Overtime difference between Base Rate and Regular Rate

*Attachment*

1125-1 Appendix A – Code of Federal Regulations (CFR) – Title 29: Labor

**Appendix A**

**Code of Federal Regulations (CFR) – Title 29: Labor**

29 CFR 553.230 - Maximum hours standards for work periods of 7 to 28 days--section 7(k).

- **Section Number:** 553.230

- **Section Name:** Maximum hours standards for work periods of 7 to 28 days--section 7(k).

(a) For those employees engaged in fire protection activities who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7(k) until the number of hours worked exceeds the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28.

(b) For those employees engaged in law enforcement activities (including security personnel in correctional institutions) who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7(k) until the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28.

(c) The ratio of 212 hours to 28 days for employees engaged in fire protection activities is 7.57 hours per day (rounded) and the ratio of 171 hours to 28 days for employees engaged in law enforcement activities is 6.11 hours per day (rounded). Accordingly, overtime compensation (in premium pay or compensatory time) is required for all hours worked in excess of the following maximum hours standards (rounded to the nearest whole hour):

Work period (Days)	Maximum Hours standards	
	Fire Protection	Law Enforcement
28.....	212	171
27.....	204	165
26.....	197	159
25.....	189	153
24.....	182	147
23.....	174	141
22.....	167	134
21.....	159	128
20.....	151	122
19.....	144	116
18.....	136	110
17.....	129	104
16.....	121	98
15.....	114	92
14.....	106	86
13.....	98	79
12.....	91	73
11.....	83	67
10.....	76	61
9.....	68	55
8.....	61	49
7.....	53	43