

RESOLUTION NO. 217

AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES REGARDING COMPENSATORY TIME

Introduced: 4/8/24

By Feeney:

WHEREAS, By Resolution No. 136-b for 1999, as amended, this Honorable Body adopted the Rules and Regulations for Albany County Employees, and

WHEREAS, Fair Labor Standards Act (FLSA) non-covered and exempt employees of Albany County are not eligible for overtime pay for hours worked in excess of their regular scheduled work week, and

WHEREAS, Under Article V of the Rules and Regulations, Albany County has elected to compensate this class of employees with compensatory time off for hours worked in excess of forty (40) hours a week, and

WHEREAS, Compensatory time is prohibited for certain employees who are classified as non-covered or exempt including the Administrative Head of each Department, Division, Bureau, Office, Board or Commission or other Agency of the County Government appointed by the County Executive and/or County Legislature and their deputies, and

WHEREAS, The accrual of compensatory time is subject to the approval of an employee's supervisor and is entirely discretionary based on the needs of the department, and

WHEREAS, The Article II of the Rules and Regulations states that the standard work week for each Department is set by the Department Head, and for many FLSA non-covered or exempt employees, this work week is set at 35 hours, and

WHEREAS, Since compensatory time may only accrue after an employee has worked beyond 40 hours a week (not including meal breaks), this results in some employees having to work five (5) hours in excess of their regular work week before becoming eligible to earn compensatory time, and

WHEREAS, If FLSA non-covered or exempt employees work in excess of their regular scheduled work week but fewer than 40 hours total, then they are not eligible to earn any compensatory time at all, and

WHEREAS, This is in stark contrast to FLSA non-exempt employees of Albany County, who are allowed to accrue overtime for any time worked in excess of their

regular scheduled work week and are also allowed to take said time as either compensatory time or as a cash payout, and

WHEREAS, The use of compensatory time is also restricted by prohibiting its use for more than two consecutive days, and

WHEREAS, Amending the threshold from a set 40 hours to anything in excess of the employee's standard work week and removing the two-day restriction will give employees greater opportunities to earn and use compensatory time, allowing them to attend to personal matters, spend time with family, or generally maintain a greater work/life balance, and

WHEREAS, The Albany County Legislature determines that allowing employees to be eligible to earn compensatory time for any time worked beyond their regular scheduled work week, as approved by their supervisor, and allowing employees more flexibility to use their accrued compensatory time, is more in line with the values of this Honorable Body and its support of the workforce of Albany County, now, therefore, be it

RESOLVED, By the Albany County Legislature that the Albany County Employee Rules and Regulations, adopted pursuant to Resolution No. 136-b for 1999, as amended, are hereby amended as follows:

Article V (sub. A(2)), is hereby amended as follows:

“2. Employees must work in excess of [40 hours in a work week, (not including meal break) regardless of] their regular scheduled work week to be eligible to accrue compensatory time credits. Only hours worked in excess of [40] their regularly scheduled work week as established by their Department Head will apply.”;

Article V(sub. A(3)(d)), is hereby amended as follows:

“d. **Use of Compensatory Time Credits.** Use of compensatory time credits shall require the prior approval of the employee's supervisor. Compensatory time credits shall be used in such increments as the supervisor shall approve. [Use of compensatory time is prohibited for any absence in excess of two (2) consecutive days.]”

and, be it further

RESOLVED, That this in no way shall reduce or diminish the requirement that the earning of compensatory time is entirely optional and at the sole discretion of an employee's supervisor, based on the needs of the department, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Personnel Committee – 4/8/24

Favorable Recommendation Personnel Committee – 4/25/24