

**COUNTY OF ORANGE, VIRGINIA
PERSONNEL POLICIES MANUAL**

COMPENSATORY TIME

POLICY NO.: 4.7

EFFECTIVE: 11/01/96

REVISED: 7/01/04

3/23/10

5/11/10

OVERVIEW: This policy provides for the accrual, use, and reimbursement for earned compensatory time.

SCOPE: This policy applies to all regular full-time employees, including employees of Constitutional Officers subject to the County's personnel policies.

PROVISIONS:

A. Nonexempt Employees

Under the provisions of FLSA, regular full-time employees may be reimbursed for overtime with compensatory time in lieu of cash payment (see Policy 4.6). Compensatory time accrued under Policy 4.6 Section E.3, or existing as an accrued balance will be governed by the provisions of this policy.

1. Accrual of Compensatory Time

- a. No employee shall be permitted to accrue more than 90 hours of compensatory time without the approval of the County Administrator. In accordance with the FLSA, law enforcement employees are permitted to accrue up to 480 hours of compensatory time; all other employees are permitted to accrue compensatory time up to 240 hours.
- b. The use of compensatory time is at the request of the employee. An employee, who has requested use of his compensatory time must, be permitted to use this time within a reasonable period after making the request. A request may be denied if the intended absence would unduly disrupt the operations of the County.

- c. Compensatory time earned after July 1 and before April 1, will either be used by April 1 in the fiscal year in which it is earned or any remaining balance to be “bought back” per policy section B.1. Compensatory time earned between April 1 and July 1 will either be used by April 1 in the next fiscal year or will be bought-back in June of the next fiscal year. Example: If any employee earns 100 hours of compensatory time between July 1, 2010 and April 1, 2011, the employee must use all 100 hours before April 1, 2011 or the remaining hours will be “bought back” under provision B.1.
 2. The factors to consider in determining a reasonable period for use of compensatory time are:
 - a. The normal workload and schedule;
 - b. Anticipated peak workloads based on past experience;
 - c. Emergency requirements for staff and services;
 - d. Availability of a qualified replacement.
 3. The factors to consider in determining undue disruption for use of compensatory time are:
 - a. The absence would cause more than mere inconvenience;
 - b. An unreasonable burden would be imposed on the County’s ability to provide services of acceptable quality and quantity during the absence.

B. “Buy Back” of Compensatory Time

1. All Compensatory time not used by March 31 will be “bought back” in June.

C. Payment for Compensatory Time upon Separation:

Unused Compensatory time will be paid in the final paycheck at the time of separation from employment. Any earned but unused compensatory time may be used as leave in conjunction with employment termination. (Note: According to the provisions of other sections of this policy, the final paycheck may not be issued until the end of the month following the month in which the employee separates from employment.)

D. Exempt Employees

1. Exempt employees are not governed by the provisions of the FLSA and, therefore, are not eligible to accrue compensatory time. Exempt employees, who have compensatory time balances earned while in a nonexempt status, may maintain those balances until they are used or “bought back”. Exempt personnel, who have compensatory time balances, will be required to use the time in accordance with Section A.1. of this policy.
2. Exempt employees are expected to work as many hours as necessary to accomplish the requirements of their job. They are obliged by County Policy 3.5 to maintain a minimum of 40/160 hour work week/period and are accountable to their supervisor for hours worked less than 40/160 hours per week/period.
3. Directors and Constitutional Officers of exempt employees, with the written approval of the County Administrator, may authorize time off of limited duration to compensate exempt employees for periods of work that are particularly stressful or lengthy. Care must be exercised to ensure this authority is not abused or used when paid leave is appropriate.