

**Category:** 300

**Number:** 338

**Policy:** Work Hours, Seniority, Overtime, Lunch Periods and Breaks

**Purpose:** The purpose of this policy is to define and serve as primary document for work hours, seniority, overtime, lunch periods and breaks.

**Authority:** St. Clair County Board of Commissioners. Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion. This policy replaces and supersedes any prior policy on this subject matter.

**Application:** This policy applies to all County employees.

**Responsibility:** The Human Resources Director or designee shall be responsible for the administration and enforcement of this policy.

**TRADITIONAL WORK HOURS AND SENIORITY** A full-time regular employee shall accrue seniority from their date of hire as a full-time regular employee. The majority of County and Court offices provide public services between the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. A full-time employee shall mean an employee regularly scheduled to work 37.5 hours a week or 40 hours a week contingent upon the operation of the department. A regular classification is identified in the department's budget as regular. The department head and/or supervisor schedules the hours of work of employees in his or her department.

A full-time regular employee who becomes part-time will accrue working hours to be attributed to seniority. In the event the employee becomes full-time again, he or she shall be entitled to previously accrued seniority provided that there has been no break in employment.

A part-time regular employee shall mean an employee regularly scheduled to work 28 hours or less in a calendar week. Regularly scheduled part-time employees shall accrue seniority as hours.

A part-time employee hired on or before ADOPTION DATE who becomes full time shall have their seniority prorated. Prorated seniority shall be calculated as follows:

1. The total number of hours worked by a part-time employee shall be divided by either 1950 or 2080 annual full-time hours contingent upon the operation of the department to establish years of full-time service.
2. The remaining hours shall be divided by 7.5 or 8 hours in a workday to establish the number of work days.
3. The work days shall be divided by 21.67 the average number of work days in a month.
4. The remaining workdays shall be multiplied by 1.4 to establish calendar days.
5. The number of years, months and calendar days shall be subtracted from the employee's date of full time hire to establish his or her full time seniority date.

The employee shall be placed on the accrual schedule for vacation days in accordance with their prorated seniority. The employee shall be entitled to enroll for the various insurance programs upon full-time hire and shall become eligible for coverage within the normal period to affect such coverage.

A part-time employee hired to a full-time position on or after ADOPTION DATE shall accrue seniority and be entitled to fringe benefits based on his or her most recent full-time hire date. A part-time and/or temporary employee shall not be entitled to fringe benefits. An employee must be a full-time regular employee to be eligible for fringe benefits.

Seniority shall cease and the employee's employment shall terminate for the following reasons:

- The employee resigns or quits.
- The employee retires.
- The employee is discharged.
- The employee fails to return from layoff.
- The employee fails to return to work from an approved leave of absence.
- The employee is absent without a call-in for two (2) consecutive working days unless the department head and/or supervisor determine there to be extenuating circumstances that prohibited notification.
- The employee fails to return to work from a disciplinary suspension.

### **OVERTIME**

Overtime shall be compensated according to State and Federal law. All actual work performed by a nonexempt employee in excess of 37.5 or 40 hours in the established workweek or as established by the collective bargaining agreement shall be paid overtime at a rate of time and one-half.

### **APPROVAL AUTHORITY:**

The department head and/or supervisor shall have exclusive authority to determine when overtime is necessary. No overtime will be worked without advanced approval from the employee's department head and/or supervisor and must be in accordance with the departmental budget.

### **COMPUTATION METHOD:**

- When overtime is necessary, it shall be compensated at time and one-half the base rate for: All work performed beyond the normal full-time workday or workweek.
- Reporting early or returning later to work, within the same twenty-four (24) hour day worked but only for such hour(s) that exceeds the normal daily hours.
- Overtime will not be paid for less than fifteen (15) minutes in any one day.
- When reporting back to work the employee shall be entitled to a minimum of two (2) hours of compensation.
- Work performed on a holiday shall be at double time or two (2) times the employee's base hourly rate.

### **FLEXIBLE WORK SCHEDULES**

An employee will be considered for alternative work scheduling on a case-by-case basis when eligible. The department head and/or supervisor is responsible for identifying and approving flexible work schedules for each individual position by assessing the impact and the outcome in terms of productivity, quality of work, absenteeism and impact to the department.

### **LUNCH PERIODS AND BREAKS**

#### **ELIGIBILITY:**

An employee who works six (6) or more consecutive hours in a workday shall be eligible for an unpaid lunch period, to be scheduled at the discretion of the department head and/or supervisor. The lunch shall be thirty (30) minutes or sixty (60) minutes based on the customary practice of the department. The employee shall also be eligible for two (2) fifteen (15) minute breaks to be scheduled at the discretion of the department head

and/or supervisor.

**REDUCED HOURS:**

An employee who works less than six (6) hours in a workday but three (3) or more consecutive hours shall be eligible for one fifteen (15) minute break to be scheduled at the discretion of the department head and/or supervisor.

**MISSED BREAKS:**

A scheduled break that is not taken shall not be compensated for at a later time, unless due to an operational constraint and the department head and/or supervisor has provided prior consent. The accumulated break time shall not exceed thirty (30) minutes and shall be compensated with equal paid time off within the same pay period in which it is earned. Breaks may not be used to leave a work shift early or arrive late without prior consent of the department head and/or supervisor.

**MISSED LUNCH:**

An employee who is not permitted a full lunch period due to operational constraints shall be allowed equal time off at a time determined by the department head and/or supervisor. Such time shall be provided in the same pay period in which it is earned. A missed lunch period may not be used to leave a work shift early or arrive late without prior consent of the department head and/or supervisor.

**OPERATIONAL CONSTRAINT:**

The department head and/or supervisor shall determine an operational constraint.

For further information, an employee may contact the Human Resources department by telephone at (810) 989-6910 or by email at [humanresources@stclaircounty.org](mailto:humanresources@stclaircounty.org).

**Review:** The Administrator/Controller has reviewed and approved this policy as to substance and Corporation Counsel has reviewed and approved as to legal content. The Human Resources Director shall periodically review this policy and make recommendations for changes as needed.

**Adopted: June 17, 2021**