

COMPENSATING TIME OFF (CTO)

1055

(No. 27 August 1992)

CASH VS. CTO

1055.1

(No. 27 August 1992)

Work Week Groups 2D and 2E are compensated according to the provisions of the Unit 8 collective bargaining contract.

Employees covered by the FLSA (except those in WWG 2D and 2E) may accrue up to 240 hours of CTO if CTO is otherwise allowed by their respective work week groups. All CTO for these employees is at time and one-half. All overtime after an employee has 240 hours of CTO will be compensated in cash at time and one-half. ([See Section 1043](#) regarding classes covered by the FLSA.)

Where there is a choice of cash or CTO, the decision rests with the unit manager unless it conflicts with the above. Typically, employees will be given CTO in lieu of cash if there is an expectation that it can be used within a reasonable period of time without impacting the operations of the Department.

By Department policy, employees who are not covered by the FLSA will receive cash for nonemergency overtime where consistent with their work week group and when it does not exceed 300 hours each fiscal year. This supersedes prior departmental policy regarding annual caps on cash pay (e.g., 40 hrs).

Payment of cash may occur only under the following conditions:

- Work week group provisions must allow cash overtime payment.
- Any overtime chargeable to the emergency fund or local government contracts does not count toward the 300-hour limit.
- Overtime payments must be authorized by the unit manager based on the availability of budgeted overtime funds in his/her index. Therefore, unit managers may not be able to fund all overtime to the 300-hour limit.
- Individual exceptions to this 300-hour limit may be approved by the Deputy Director for Management Services.

The 300-hour limit on cash overtime is a budgeting tool. It does not mean all employees will work that much overtime or receive that much cash. Instead, no single non-FLSA employee will receive more cash pay for overtime without Sacramento headquarters' authorization. The amount of paid overtime will vary by employee within the 300-hour limit depending on the needs of the department.

Unit managers are responsible for ensuring that all overtime is authorized and justified. Unit managers are also responsible for the management of this policy and for their unit's overtime budgets.

CASHING OUT CTO

1055.2

(No. 27 August 1992)

CROSS REFERENCE: DPA Management Memo 90-03

Effective July 1, 1990, the following guidelines apply to cashing out CTO.

1. If possible, CTO should be used or paid off within 12 months of its being earned. However, if fiscal or operational conditions preclude its elimination, CTO may be carried in the employee's leave credit balance indefinitely.
2. All ordered overtime worked by employees in Work Week Groups 1, 2, 4A, and 4B is compensable regardless of the amount of compensating time off in the employee's CTO balance. The compensation may be in cash or CTO depending on the FLSA or MOU limitations.
3. With reasonable notification to the employee, the appointing authority may require the employee to take CTO. If the employee refuses to take the time off, he/she may be subject to disciplinary action.
4. The appointing power may at any time, subject to MOU limitations, pay off part or all of the employee's CTO balance. The payment will be at the current rate of pay except when an employee covered by the FLSA terminates; the FLSA CTO must be paid at the current rate or the average of the last three years whichever is highest.

MANAGING CTO

1055.3

(No. 27 August 1992)

SUPERVISORS' RESPONSIBILITY

1055.3.1

(No. 27 August 1992)

Supervisors are responsible for keeping overtime credits far enough below the maximum so that an emergency or other unforeseen work will not place the employee in a position of having to work overtime when the maximum CTO hours have been accumulated.

All employees are required to take their accumulated CTO (including holiday credit and excess hours) on a timely basis. This means:

- In General:

Employees must be given as much advance notice as possible when ordered to take CTO--at least 24 hours if practical, but there may be unpredictable conditions during ERP which necessitate as little as 12 hours of advance notice. Employees are to use the same time frames in requesting use of CTO. Upon agreement by the employee and the supervisor, CTO may be taken with less than 12 hours of notice.

To help keep the amount of accumulated CTO to a minimum, its use should be ordered at every operational opportunity, such as temporary down staffing of engines during periods of low fire danger.

- For Schedule A:

The accumulation of time off should not exceed the length of one ERP duty week as of the end of each pay period. This does not include excess hours accumulated by those in WWG 4D22, 4D29, and employees on a 4/10/40 work schedule when the time is necessary to balance pay period totals during the year. However, any excess hours accumulated but not necessary for this purpose are subject to this policy.

- For Schedule B:

CTO use during NERP should be scheduled to accommodate the employee when possible. Employee and their immediate supervisors will work out a plan acceptable to both within the constraints of program requirements. Toward the end of the calendar year, holiday and vacation needs should be integrated with CTO use to prevent loss of credits to the employee. Scheduling priority will be given to program activities such as training, project work, fire prevention, or local government contract staffing.

Excess hours accumulated by those in WWG 4D22, 4D29, and employees on a 4/10/40 work schedule are necessary to balance pay period totals during the year. However, any excess hours accumulated but not necessary for this purpose are subject to this policy.

Prior to the beginning of ERP, overtime accumulations should be reduced on a planned basis to no more than the equivalent of one ERP duty week. Those in WWG 4D22 may, however, be required or allowed to carry more CTO into ERP if it is used during ERP that year. Employees in WWG 4D22 should be required to use a reasonable amount of CTO during ERP as conditions allow.

PERSONNEL ASSISTANTS' RESPONSIBILITY

1055.3.2

(No. 27 August 1992)

By December 1 of each year, the personnel assistant will provide the unit/headquarters chief with a list of employees whose leave balances are nearing or exceed the prescribed maximum so she/he can share it with affected employees and their supervisors. It will include CTO, holiday credit and excess hours. Vacation balances will also be included for purposes of monitoring its use as required by [Section 1067](#). For a sample memo, [\(see exhibit\)](#).

It is the responsibility of the unit/headquarters chief to ensure that all supervisors are working with their subordinates and have developed plans to ensure that leave balances are reduced consistent with Section 1055.3.1 and Section 1067.

On April 1 of each year, the personnel assistant will provide the unit chief with a follow up report so he can evaluate the performance of the supervisors and initiate corrective action where leave balances have not been reduced accordingly [\(see exhibit\)](#)

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)