

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Establishing a Special Overtime Policy for)
Corrections/Patrol Sergeants Working Under a Special)
Work Schedule Established under the Fair Labor Standards)
Act Section 207(k))
_____)

ORDER NO. 31-2004

WHEREAS, the Fair Labor Standards Act (FLSA) Section 207(k) provides that an employer may set a work schedule for certain law enforcement personnel allowing for more than 40 hours of regular work in work period; and

WHEREAS, the County Sheriff has established a 24 day time period for the purposes of regular hours worked which allows a total of 147 hours to be worked in that time period before overtime is due the law enforcement employee; and

WHEREAS, the County Sheriff has established a 12 hour day, four day on/four day off, schedule for shift workers (Corrections Sergeants, Corporals and Deputies) in the County Jail; and

WHEREAS, the County needs to adopt a policy which formally establishes the ability for the County Sheriff to set this schedule as and when the Sheriff wishes for the good of the department; and

WHEREAS, the FLSA provides for overtime for regular hours worked only after 147 hours worked in the established 24 day period; and

WHEREAS, the intent of implementing this schedule was to allow employee to work 48 hours in an eight day time period without the County incurring overtime for the hours worked over 40 in a regular seven day work week; and

WHEREAS, without adoption of a special policy, law enforcement employees not represented by a labor unit who work this special 12 hour/4 day on/4 day off shift may not be paid overtime for hours worked on days off or hours worked beyond 48 hours in an eight day time period but only may be paid overtime for hours worked over 147 in a 24 day time period.

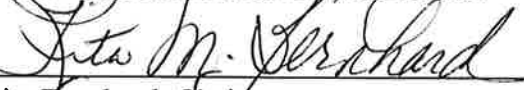
NOW, THEREFORE, IT IS HEREBY ORDERED that the County formally establishes the ability of the County Sheriff to set the alternative work schedules described above, working in conjunction with the Human Resources Director to ensure compliance with all aspects of state and federal wage and hour law.

IT IS HEREBY FURTHER ORDERED that, retroactive to April 1, 2004, law enforcement employees not represented by a bargaining unit who are subject to the 12 hour/4 day on/4 day off

shift in the County Sheriff's Office, will earn overtime for any hours worked over 48 in the established eight day time period.

DATED this 12th day of May, 2004.

**BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

By: 
Rita Bernhard, Chair

Approved as to form

By: 
Tony Hyde, Commissioner

By: 
Office of County Counsel

By: 
Joe Corsiglia, Commissioner