

9.1 **Overtime Rate.** Overtime shall be paid at the rate of ~~one and one half (1 1/2)~~ double (2x) times an employee's established hourly rate as set forth in Schedule A. Overtime rates shall apply to work performed by an employee outside of or in excess of their established shift hours, ~~or on their days of rest or in excess of forty (40) hours in their FLSA work week.~~<sup>1</sup>

9.2 Employees who are exempt from the overtime pay requirements of Fair Labor Standards Act (FLSA) shall earn overtime at the rate as described in Article 9.1 ~~not be eligible for overtime or compensatory time, except as specified in Article 9.2.1.~~

~~9.2.1 FLSA exempt employees in the Business Systems Analyst I, II, III, the Risk Specialist I, and the Portland Police Bureau Internal Affairs Investigator classifications will earn overtime at the rate as described in Article 9.1 for hours worked in excess of forty (40) hours in an FLSA workweek. These employees are not subject to the provisions of Article 9.3 and any hours not worked such as vacation, compensatory leave, and sick leave do not count in the forty (40) hour calculation.~~

9.3 Employees may elect pay or compensatory time for time worked under this Article. Any compensatory time will be subject to the provisions of Article 9.9.

9.4 Internal Affairs Investigators may substitute compensatory time in lieu of pay for standby or on-call time.

Internal Affairs Investigators will receive a minimum of two (2) hours overtime to perform mandatory interviews outside their regular work shift.

9.5

**Overtime Equalization.** Overtime work shall be offered equally among employees within the same job classification within each work unit, provided the employee is available and qualified to perform the work required.

9.5.1

A record of overtime hours worked or offered to each employee shall be maintained in each work unit for each month and available upon request. In work units consisting of five (5) or more employees within the same classification, such information shall be posted. The equalization of overtime shall be reviewed no less than each three (3) month period starting July 1, of any year. For the purpose of equalization, overtime offered shall be counted the same as overtime worked. By mutual agreement the City and Union may meet to discuss perceived systematic inequities that may be occurring.

9.6

~~**Remedy.** Employees who believe that they have not received a fair share of available overtime offers has an assertive duty to address the matter with their immediate supervisor and union representative for the purposes of review and consideration. Corrective action will be taken through future assignments of~~

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<sup>1</sup> Bargaining Note: The proposed change "or on their days of rest or in excess of forty (40) hours in their FLSA work week" is intended as a clarification and not as a substantive change.

~~overtime if a bona fide inequity exists in the employee's opportunity to receive a fair share of the overtime offers available in the employee's work unit.~~

**9.14 Essential Employees.** Any employee who is designated by management as an Essential Employee and is required to report to work when the Mayor or his designee announces a Citywide closure and directs non-essential employees to stay home, will be compensated with one deferred holiday for every full shift they work during such an event. The deferred holiday will be equal to the number of hours the essential employee was regularly scheduled to work on the day of the event.

9.14.1 Employees whose deferred holiday bank is full, will be given the equivalent time in pay. Employees who earn a deferred holiday within 30 days of the end of the calendar year will be allowed to carry over said holiday to the subsequent year's deferred holiday bank.

9.14.2 No employee will lose pay or be required to use personal leave or vacation to make up for hours lost during a Citywide closure. In the event an employee is unable to work they will be compensated with Administrative Leave.

9.14.2 Employees who have already begun their shift will receive the comp day if an emergency is called within the first half of their shift.