



## How Work Periods Impact Overtime

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## How Work Periods Impact Overtime

**Reference Number:** MTAS-1200

Law enforcement officers generally will have to work some hours outside the normal work schedule, most often for court appearances or to complete a call for service at the end of a shift. These events occur sporadically, and the impact can be “leveled” by using longer work periods. For example:

If an employee is on a **one-week** work *period*:

- The employee is scheduled to work a normal 40-hour week and works each of the scheduled days.
- The employee works two additional hours at the conclusion of a regular shift.
- The employee has to attend court for three hours while not scheduled to work.
- Total number of hours worked for the week and the work period: 45 hours.
- Number of hours above the overtime threshold of 43 hours is two.
- *Two hours must be compensated at one and one-half times the normal rate of pay.*

The following week:

- The employee works the normal 40-hour shift with no additional hours worked.
- The employee is paid for 40 hours with no overtime.

But, if an employee is on a **two-week** work period and works exactly the same number of hours in each of the two weeks as described above:

- The employee is scheduled to work a normal 40-hour week and works each of the scheduled days.
- The employee works two additional hours at the conclusion of a regular shift.
- The employee has to attend court for three hours while not scheduled to work.

Then, the following week:

- The employee works the normal 40-hour shift with no additional hours worked.
- The total number of hours worked for the two-week work period is 85.
- The overtime threshold for the two-week work period is 86 hours. *The employee will be paid for 85 hours at the regular hourly rate of pay with no overtime.*

The use of a longer work period can lessen the impact of extra hours worked in any given week over the course of the work period. While the savings for the scenario described above may seem small, the savings of valuable resources over the course of the year can be substantial.

Longer work periods also give the employer an opportunity to relieve the employee of duty a couple or more hours before the end of the work period, avoiding extra pay altogether. For example, if an employee works two extra hours attending court early in the work period, the employer can relieve the employee of duty two hours early on a regularly scheduled shift later in the work period.

## Fringe Benefit Time and Work Periods

**Reference Number:** MTAS-1202

If an employee is on a one-week work period:

- The employee actually works 46 hours in a week (whether by the scheduled shifts or due to extra hours worked outside the schedule).
- Number of hours in excess of the overtime threshold is three.
- *Three hours must be compensated at one and one-half times the normal rate of pay.*

The following week:

- The employee takes the week off on vacation.
- *The employee is paid for 40 hours of vacation.*

Now, let's consider the impact if the employee is on a two-week work period:

- The employee actually works 46 hours in a week (whether by the scheduled shifts or due to extra hours worked outside the schedule).

The following week:

- The employee takes the week off on vacation.
- The employee actually worked 46 hours in the work period and is paid for an additional 40 hours of vacation time.
- *The overtime threshold for a two-week work period is 86 hours. Since the employee worked only 46 hours in the work period, the employer pays the employee for 46 hours at the regular rate of pay and for 40 hours of vacation time at the regular rate of pay. There is no overtime for the work period.*

For the purposes of illustration, these examples have used one- and two-week work periods. The “leveling” impact is increased with a four-week work period. The four-week work period is particularly advantageous when the police department uses longer shifts, such as 12-hour shifts. Twelve-hour shifts often result in significant fluctuations in the number of hours worked from one week to the next. The use of 12-hour shifts most often results in employees being scheduled to work 48 hours in some weeks and 36 hours in other weeks. It is difficult to “level” the number of hours worked in a two-week work period, let alone a one-week work period. The following example illustrates how a four-week work period is scheduled.

## Twelve-hour Shifts

**Reference Number:** MTAS-1201

In the most prevalent 12-hour shift schedule officers work four days, followed by four days off. Obviously, the eight-day cycle of work days and off days does not correspond to a seven-day week. In any given one-week work period, the number of hours scheduled, let alone the number of hours actually worked, will fluctuate between 48 hours and 36 hours. For a one-week work period, the 48 hour weeks create five hours of overtime pay (five hours in excess of the 43 hour overtime threshold). Even with a two-week work period the schedule will create fluctuations in the number of hours scheduled to be worked from one work period to another. As you can see from the following table, a four-week work period provides a consistent number of hours scheduled for each work period. The 168 hours scheduled for each four-week work period is less than the 171 hours overtime threshold for a four-week work period.

SUN	MON	TUE	WED	THU	FRI	SAT	Hours	
Work	Work	Work	Work				48	
	Work	Work	Work	Work			48	
		Work	Work	Work	Work		48	168 Hours
			Work	Work	Work	Work	48	
				Work	Work	Work	36	
Work					Work	Work	36	
Work	Work					Work	36	

SUN	MON	TUE	WED	THU	FRI	SAT	Hours
Work	Work	Work					36

Schedule then repeats.

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**Source URL (retrieved on 01/17/2020 - 2:32pm):** <https://www.mtas.tennessee.edu/reference/how-work-periods-impact-overtime>



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