



**SEVENTEENTH JUDICIAL DISTRICT  
ADAMS COUNTY AND THE CITY AND COUNTY OF BROOMFIELD COLORADO  
ORDER OF THE CHIEF JUDGE** **08-06 Amended 07-08**

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**Overtime Procedure for Non-Exempt Employees and Part-time Employees - Trial Court**

To comply with the Colorado Judicial Department Personnel Rule 21.B.2.; all non-exempt and part-time exempt employees shall obtain approval of their supervisors prior to working overtime or in excess of their regular number of hours during the work week. Overtime will only be approved upon authorization by the Administrative Authority (Chief Judge, District Administrator, or Clerk of Court). Failure to request such approval prior to working overtime may result in corrective or disciplinary action. If an emergency arises requiring an employee to work overtime the employee should send an email to his or her supervisor as soon as possible.

Work hours are the hours when employees are....”permitted to work” for the Judicial Department. Time on leave or paid holiday does not count as work hours for purposes of calculating overtime.

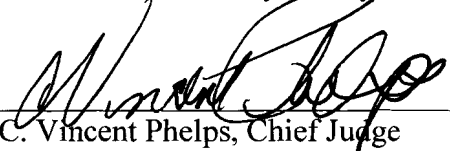
- If a non-exempt employee starts work early or stays late “voluntarily” to complete a project, the additional work time must be paid. It is expected that the employee receive supervisor approval for such projects. Non-exempt employees cannot under any circumstances volunteer work-time to the Judicial Department.
- Lunch breaks are not included in the calculation of hours worked; however, break periods (if provided) which do not exceed 30 minutes in a day and are authorized by a supervisor are counted as hours worked. Please keep in mind that breaks are not mandatory under the Fair Labor Standards Act (FLSA). For purposes of PTO an employee may not calculate break time in his or her request.
- An employee may be required to work overtime by the administrative authority, and a failure to comply may result in corrective or disciplinary action.

The normal workweek used for the purpose of calculating overtime is 5:01 p.m. Friday to the following Friday at 5:00 p.m. *Example if an employee works after 5:01 pm. one Friday evening, that time worked is included in the following work week schedule and should be calculated in the employee’s 40 hour work week. Overtime would apply if the employee goes beyond 40 hours.*

- All non-exempt employees must maintain an electronic timesheet daily and record their hours worked accurately in order to determine overtime hours. Failure to do so in a timely manner may result in corrective or disciplinary action.

In compliance with FLSA, the Judicial Department must pay overtime or provide compensatory time off regardless of whether or not the hours were authorized in advance. Failure to comply may result in accrual of additional leave (comp time) or an unplanned reduction of budget. Therefore, repeated offenses of failure to obtain authorization prior to working overtime may result in corrective or disciplinary action in accordance with the Colorado Judicial System Personnel Rules.

Effective this 31<sup>st</sup> day of July, 2008.

  
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C. Vincent Phelps, Chief Judge