

Section 12.8 Employees may elect to take all or any part of overtime hours in the form of compensatory time or cash payment according to the FLSA. Employees may accrue up to a maximum of seventy-two (72) hours of compensatory time. Compensatory time shall not accrue from year to year. Any balance of compensatory time earned in excess of seventy-two hours shall be paid to the employee in the next regular paycheck. Utilization of compensatory time off must be scheduled in advance with the chief.

Section 12.9 Nothing in this Article shall preclude the Employer from implementing any emergency schedule changes or assignments as determined in the sole discretion of the Department, in accordance with the "Waiver in Case of Emergency" Article.

Section 12.10 In an effort to reduce the FLSA overtime liability to the Employer and to reduce the hourly work week to a more manageable level, the adoption of a Kelly Day shall be implemented as follows:

- A. Pursuant to 29 CFR 553.23, the Parties agree that a Compensatory Time Off policy for "FLSA Overtime" is adopted in lieu of overtime payments in cash for normally scheduled tours. This policy is established to address the maximum of two hundred twelve (212) hours to be worked in a twenty-eight (28) day work period. It is the objective of the Parties that each Employee will work an average of fifty-two (52) hours per week, which equates to two hundred and eight (208) hours in a twenty-eight (28) day work period. Because the number of tours-of-duty in each twenty-eight (28) day work period will vary, Employees will often actually work in excess of two hundred and eight (208) hours in a work period. To address this situation, each Employee on a twenty-four (24) hour workday shall be entitled to compensatory time off on a regularly scheduled workday every one and one-half (1.5) twenty-eight (28) day work periods. This compensatory time off shall be in the form of a twenty-four (24) hour work reduction day, and for purposes of convenience only shall be called a Kelly Day Off.

- B. Each Employee on a twenty-four (24) hour workday shall be entitled to a Kelly Day on a regularly scheduled workday every one and one-half (1.5) twenty-eight (28) day work periods. A Kelly Day shall consist of twenty-four contiguous hours of time off.
  
- C. All Kelly Days will be chosen by the Employee in the month prior to the beginning of each year, subject to the approval of the Fire Chief, in the order of seniority before the time of vacation selections, greatest seniority first, throughout the Kelly Day selection process. Each Employee shall select one (1) Kelly Day per round. As an alternative to the above Kelly Day selection process, the Parties hereto may mutually agree to a standard recurring scheduled twenty-four (24) hour Kelly Day shift off, for the convenience of the Fire Division and Bargaining Unit Employees.
  
- D. Kelly Days shall only be taken in twenty-four (24) hour increments.
  
- E. An Employee transferred from one shift to another shall meet with the Fire Chief once the transfer has been announced to select his or her Kelly Days, subject to the approval of the Chief. Kelly Day selection shall be based on available open days only.
  
- F. Employees who are sick on their Kelly Day may only utilize sick leave for that day by presenting documentation of a physician's evaluation, including a release to return to duty.
  
- G. There will be no reimbursement for Kelly Days not taken, nor may Kelly Days be carried over to the following year. Kelly Day time not taken is lost as of December 31st of each year.