

# ODNR OVERTIME AND COMPENSATORY TIME POLICY FOR EXEMPT EMPLOYEES

**Effective** February 1, 2011

**Purpose** To ensure that all ODNR exempt employees are compensated appropriately for work performed beyond the standard work schedule of 40 hours per week; to ensure uniformity and consistency in overtime compensation, compensatory time accrual and usage for all exempt employees within the Department of Natural Resources pursuant to applicable federal and state laws.

**Authority** Fair Labor Standards Act (FLSA)  
ORC Section 124.18  
OAC Section 123:1-43  
DAS Directives HR-D-06 and HR-D-08  
DAS Memo dated January 15, 2010 titled Overtime Compensation to Overtime Exempt Employees

**Reference** Request for Compensatory Hours for Overtime Exempt Employees  
Division/Office policies and procedures

**Resource** Office of Human Resources

## GENERAL GUIDELINES

Employees exempt from collective bargaining shall be designated FLSA overtime eligible or FLSA overtime exempt pursuant to ORC Section 124.18 and the Fair Labor Standards Act (FLSA). The following outlines the provisions and guidelines pertaining to both designations.

### Exempt Employees who are FLSA Overtime Eligible

This section applies only to employees who are exempt from collective bargaining and are overtime eligible pursuant to section 124.18 of the Revised Code and the Fair Labor Standards Act. Overtime compensation can be earned by employees only for work hours which are immediately necessary to the operation of the Department. No overtime will be authorized for office work or other work which could have been completed during a standard forty-hour week.

**The following provisions apply to the accrual and use of overtime compensation:**

### Eligibility and Accrual

1. An exempt FLSA overtime eligible employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week, shall be entitled to overtime compensation or compensatory time. Active pay status does not include sick leave.
2. An employee entitled to overtime compensation shall be entitled to compensation for such time over 40 hours at one and one-half times his or her base rate of pay.

3. An exempt FLSA overtime eligible, flexible hour employee is not entitled to compensation for overtime work unless his or her administrative supervisor requires him or her to be in an active pay status for more than 40 hours in a calendar week, regardless of the number of hours worked on any day in the same calendar week.

### **Approval Access**

1. An employee who desires to work or is required to work more than 40 hours in any calendar week must have the overtime work approved in advance by his or her administrative supervisor. All overtime work must be reflected on the employee time sheet.
2. Regardless of the time at which an employee arrives for work or leaves from work, no overtime eligible employee shall begin work prior to his or her scheduled work hours or continue to work after his or her scheduled work hours or during a scheduled lunch period, without prior approval of the administrative supervisor.
3. In an emergency situation, when no administrative supervisor or other individual is available to authorize the overtime work, the employee may work the overtime he or she deems necessary.
4. An exempt FLSA overtime eligible employee shall be paid for authorized and/or allowed overtime work. The administrative supervisor shall be responsible for monitoring overtime work, and for documenting all time worked on the employee time sheet.
5. Employees who work overtime without approval (where prior approval is possible) are subject to disciplinary action for failure to follow the approval process outlined in this policy.

### **OVERTIME AND COMPENSATORY TIME POLICY FOR EXEMPT EMPLOYEES**

1. An exempt FLSA overtime eligible employee may elect to take compensatory time off in lieu of overtime pay on a time and one-half basis, at a time mutually convenient to the employee and the employee's administrative supervisor.
2. An exempt FLSA overtime eligible employee may accrue compensatory time to a maximum of 240 hours, except that employees involved in public safety, emergency response or seasonal activities who meet criteria established under the Fair Labor Standards Act may accrue up to 480 hours of compensatory time. Any hours of compensatory time accrued in excess of these maximum amounts shall be paid to the employee as overtime compensation.
3. Compensatory time use must be documented on a leave form signed by the employee and the employee's administrative supervisor.
4. Compensatory time balances will be kept by the division/office payroll officer. A report of compensatory time balances will be maintained and reported on the employee's pay check stubs as well as a quarterly report will be issued to all division/office chiefs.
5. Upon termination of employment, any exempt FLSA overtime eligible employee with accrued, but unused compensatory time shall be paid for that time at the rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the last three years of employment with the state.

### **EXEMPT EMPLOYEES WHO ARE FLSA OVERTIME EXEMPT**

This section applies only to employees who are exempt from collective bargaining and are overtime exempt pursuant to section 124.18 of the Revised Code and the Fair Labor Standards Act. Compensatory time can be earned by employees only for work hours which are immediately necessary to the operation of the Department. No compensatory time will be granted for office work which could have been completed during a standard 40-hour week. An exempt FLSA overtime exempt employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week, may accrue compensatory time. An exempt employee who is FLSA overtime exempt and has a

