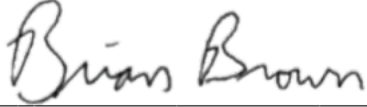


Approved:



Brian Brown
Chief Human Resources Officer

Standard Procedure 220-001(SP)
Effective: July 1, 2024
Responsible Division: Human Resources
Supersedes Standard Procedure Dated 8.28.2022

**STANDARD PROCEDURE FOR OVERTIME
COMPENSATORY TIME AND FLEX TIME**

PURPOSE:

The purpose of the Standard Procedure is to establish a uniform process governing Ohio Department of Transportation employees' accrual and use of overtime, compensatory time and flex time.

AUTHORITY:

*Fair Labor Standards Act 29 U.S.C.201, et seq. Code of Federal Regulations 29 CFR 541
Ohio Revised Code 124.01; 124.18
Ohio Administrative Code 123:1-43-01; 123:1-43-02
DAS Directive Nos. HR-D-08 (Compensatory Time); HR-D-06 (Overtime Compensation)
ODOT Policy 17-004 Policy for Overtime, Compensatory Time and Flex Time*

SCOPE:

This Standard Procedure applies to all ODOT employees.

BACKGROUND:

The Ohio Department of Transportation workforce consists of employees having a wide range of job duties and functions. The Department is obligated to establish procedures for consistent application of overtime, compensatory time and flex time to assure that each employee is properly compensated, to assure that the Department properly accounts for all employees' extra work hours and to comply with all applicable State and Federal laws.

DEFINITIONS:

Bargaining Unit Employees

Employees subject to the Collective Bargaining Agreement.

FLSA

Fair Labor Standards Act 29 U.S.C.201, et seq.

Manager

Any employee responsible for the supervision of other employees.

Overtime Eligible Employees

Employees who are exempt from the Bargaining Unit and are designated by the Chief Human Resources Officer as overtime eligible.

Overtime Exempt Employees

Employees who are exempt from the Bargaining Unit and have not been designated as overtime eligible. A list of OT Exempt classifications is on ODOT HR's web site.

Standard Work Week

As defined by O.R.C. 124.18(A), the standard work week for all employees whose salary or wage is paid in whole or in part by the state is forty hours in one calendar week.

PROCEDURE:

All employees are expected to keep to a minimum the number of overtime hours worked and to accurately report hours worked. Overtime work should only be utilized/performed with prior managerial approval. Supervisors must ensure that employees do not perform work outside their regularly scheduled hours without prior managerial approval. Employees who perform overtime work without obtaining prior approval may or may not be paid and may be subject to disciplinary action, unless emergency or other urgent operational circumstances necessitate the use of the overtime.

All managers are responsible to make certain that all employees under their supervision use overtime, compensatory time and flex time appropriately and in accordance with this standard procedure. In addition, they are responsible to ensure that the position description for each employee is an accurate and current reflection of the employee's job duties so that an employee's overtime designation can be properly determined.

The Chief Human Resources Officer is responsible to maintain a list identifying each employee's eligibility for overtime and compensatory time. This list shall be reviewed periodically. When changes occur, all affected employees will be notified. This list must designate each employee as bargaining unit, overtime eligible, or overtime exempt.

The Chief Human Resources Officer is responsible to ensure that each employee's rate for accrual, use and payment for or conversion of overtime and compensatory time complies with this standard procedure.

I. Overtime

Bargaining Unit Employees:

The accrual and use of overtime for bargaining unit employee is governed by the Collective Bargaining Agreement.

Employees Exempt from the Bargaining Unit:

Overtime Eligible Employees:

An employee designated as an overtime eligible employee is entitled to compensation for such time over 40 hours per week at one and one-half times the employee's total rate of pay. In lieu of overtime, an employee may elect to earn compensatory time on a time and one-half basis for every hour worked in excess of 40 hours per week, as specific in Section II, below.

Overtime Exempt Employees:

An employee who has not been designated as an overtime eligible employee by the Chief Human Resources Officer is not permitted to earn overtime.

In limited circumstances, employees determined to be overtime exempt may be compensated at straight time (i.e., hour for hour) or the overtime eligible rate (i.e., time and one half.)

These circumstances include work performed as part of a snow and ice operation, critical capital program duties, including but not limited to construction project oversight, and other extreme operational situations as determined by the Director. In accordance with O.R.C. 124.18, the Director will prepare a written request identifying the operational need or exceptional circumstance and identify those overtime exempt employees to be paid straight time or overtime for approval by the Director of Administrative Services. The written request will specify the details of these situations. The goal of the department is to accomplish our mission in the most responsible manner both operationally and fiscally.

II. Compensatory Time

Bargaining Unit Employees:

The accrual and use of compensatory time for bargaining unit employee is governed by the Collective Bargaining Agreement.

Employees Exempt from the Bargaining Unit:

Overtime Eligible Employees:

An overtime eligible employee may, at their discretion, elect to be paid for overtime, or bank the overtime as compensatory time, on a time and one-half basis.

- A) The maximum number of hours that may be accrued by these employees is 240 hours. Unused compensatory time will be paid after 365 days from the date it was earned.

Overtime Exempt Employees:

Overtime Exempt employees may accrue compensatory time for time exceeding 80 hours in a pay period on an hour for hour basis. This includes leave, holidays, etc.

- A) The maximum amount of hours that can be accrued is 240 hours and must be used within 365 days of accrual.
 - 1) Unused compensatory time will be lost. There will be no cash payment for compensatory time or conversion to other types of leave. Compensatory time cannot be used to extend the date of retirement or resignation. No compensatory time accrued in another state department or agency will be transferable.

III. Flex Time

Flex time typically occurs when an employee works more hours in a day or week than normal and wishes to account for that by taking an equal amount of time off. In all cases, the employee should have the approval of his/her manager prior to using flex time and should accurately reflect this time on his/her timesheets and other work records.

- A) Overtime eligible (bargaining unit and exempt) employees must flex their time within a single work week.
- B) Overtime exempt employees may flex their time within a pay period. Districts or divisions may implement more specific protocols for requesting and using flex time, (forms to use, etc.)

IV. Change in Overtime Status As A Result Of Change In Position

- A) When an employee moves from a position that is overtime eligible into a permanent position that is overtime exempt, the employee must be paid out the full balance of all unused compensatory time at the employee's total rate of pay in the overtime eligible position.
- B) When an overtime exempt employee moves into a permanent position that is overtime eligible, the employee must forfeit any accrued compensatory time.
- C) When an overtime exempt employee moves into any other permanent position that is also overtime exempt the employee retains any accrued compensatory time.
- D) When an employee moves from a bargaining unit position into an exempt overtime eligible (non-bargaining unit) permanent position, the employee shall be paid out the full balance of the unused compensatory time at the employee's bargaining unit total rate of pay.

V. Reporting of Overtime and Compensatory Time

When reaching a threshold overtime amount as described below, the respective payroll office will provide a monthly report of overtime costs to the applicable supervisor, administrator, and District Deputy Director or Central Office Deputy Director over a Division.

District Deputy Directors and Central Office Deputy Directors over a Division may assign the routine approval of overtime to the designated manager; however, paid overtime and compensatory time banked exceeding the following amounts for any employee in a fiscal year must be justified and approved by the following in both Districts and Central Office:

- \$10,000 – Supervisor
- \$15,000 – Administrator
- \$20,000 – Deputy Director

Approvals for overtime and compensatory time banked exceeding \$10,000 and \$15,000 for individual employees must be adequately documented by the Supervisor and Administrator respectively. Copies of these approvals are to be sent to the Deputy Director. Approvals for overtime and compensatory time banked exceeding \$20,000 for individual employees must be adequately documented by the District Deputy Director or Central Office Deputy Director over the Division, and a copy of the approval filed in the appropriate payroll office. The Deputy Director will determine the frequency of approvals once an employee reaches \$20,000. A one-time approval may be permitted if circumstances dictate.

TRAINING:

It is anticipated that implementing this Standard Procedure will not require any formal training; however, the policy will be reviewed with the Central Office and District Deputy Directors. The Chief Human Resources Officer will continue to monitor and assess the need for training and will provide any necessary training to employees responsible for administering this Standard Procedure.

FISCAL IMPACT:

None