

STATE OF OHIO



DEPARTMENT OF REHABILITATION AND CORRECTION

SUBJECT: Overtime for FLSA Eligible Non-Bargaining Unit Employees	PAGE <u> 1 </u> OF <u> 2 </u>
RULE/CODE REFERENCE: R.C. § 124.18, O.A.C. §§ 123:1-43	NUMBER: 35-PAY-03 SUPERSEDES: 35-PAY-03 dated 04/18/11
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 21, 2014
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish a standardized overtime compensation policy for non-bargaining unit employees who are overtime eligible under the Fair Labor Standards Act (FLSA).

III. APPLICABILITY

This policy applies only to non-bargaining unit employees who are FLSA overtime (OT) eligible.

IV. DEFINITIONS

Active Pay Status – Means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick leave.

FLSA Overtime Eligible Employee – An employee who is not specifically exempted from the overtime requirements of the Fair Labor Standards Act and Ohio Revised Code.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to comply with the requirements of the Fair Labor Standards Act and the Ohio Revised Code.

VI. PROCEDURES

A. Accrual

1. An FLSA OT eligible employee who is required by an appropriate 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 at one and one-half times their total rate of pay.
2. An FLSA OT eligible employee is not entitled to compensation for overtime work unless an appropriate 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.
3. An FLSA OT eligible employee who works unauthorized overtime must be compensated for the work that was performed. However, absent extenuating circumstances justifying the need for working the unauthorized overtime, that employee shall be subject to discipline for working the overtime without the proper authorization.
4. FLSA OT eligible employees shall not be permitted to volunteer to perform the same type of work that they normally perform without being compensated for the work.
5. FLSA OT eligible employees who take uncompensated meal breaks must have at least thirty (30) minutes of uninterrupted time from their work area for their meal break

B. Approval

An FLSA OT eligible employee who works more than 40 hours in any calendar week must have the overtime work approved in advance by an appropriate supervisor. All overtime work must be reflected on the employee time sheet. An employee who works overtime without submitting a properly completed Authorization for Overtime (DRC1118 or DRC1744) timely and receiving approval may be subject to discipline.

Related Department Forms:

Authorization for Overtime

DRC1118

Authorization for Compensatory Time for Exempt Employees

DRC1744