I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to establish a standardized policy for the designation of overtime exempt positions which complies with the Fair Labor Standards Act (FLSA), Ohio Revised Code (ORC) 124.18, Ohio Administrative Code (OAC) 123:1-43 and applicable Department of Administrative Services (DAS) Directives and to set forth the requirements for providing compensatory time to FLSA overtime (OT) exempt employees and compensatory time or overtime compensation to those FLSA OT exempts who have been approved in writing to receive overtime by the Directors of the Ohio Department of Rehabilitation and Correction (ODRC) and the DAS.

III. APPLICABILITY

This policy applies to all ODRC employees who are FLSA overtime exempt.

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the ODRC policies page on the ODRC Intranet at the following:

Definitions Link

- Active Work Status
- Compensatory Time
- FLSA Overtime Eligible Employee
- FLSA Overtime Exempt Employee
- Working Suspension
V. POLICY

It is the policy of the ODRC to properly designate employees as overtime exempt in accordance with the FLSA and the ORC and to provide guidelines for the approval, accrual, and use of compensatory time for overtime exempt employees and compensatory time or overtime compensation for those approved in writing to receive overtime by the Directors of ODRC and DAS.

VI. PROCEDURES

A. Designation and Change of Exempt Status

1. An employee whose salary and duties meet the requirements for any exemption available in the FLSA shall be designated as FLSA OT exempt.

2. An FLSA OT exempt employee may be approved in writing by the Director to receive overtime compensation for operational reasons including, but not limited to, recruitment/retention purposes. Such is the case for corrections captains, corrections lieutenants, nurse supervisors, psychiatric MR/nurse supervisors, Correction Warden Analysts and others designated in writing by the Director.

3. When an employee's FLSA OT status changes from overtime eligible to overtime exempt, any existing compensatory time balance earned while overtime eligible shall automatically be paid to the employee at the time of the status change.

B. Accrual

1. No compensatory time, or overtime compensation for those approved to receive overtime compensation, may be granted for work which could have been completed during the 80-hour pay period.

2. Compensatory time, or overtime compensation for those approved to receive overtime compensation, may only be accrued when the employee is required to be in an active work status for more than eighty (80) hours in the same pay period.

3. When approved, compensatory time for FLSA OT exempt employees is earned on an hour for hour basis.

4. When approved, compensatory time and overtime compensation for FLSA OT exempt employees who have been approved in writing to receive overtime compensation is earned at one and one-half times their total rate of pay.

5. Requests to work overtime by an FLSA OT exempt employee must be approved in advance by the appointing authority. To request compensatory time, or overtime compensation for those approved to receive it, employees covered by this policy must complete an electronic Overtime Request in Kronos for approval. The overtime request must be electronically approved by the supervisor. The appointing authority may delegate authority for the approval to work overtime. Authority to grant approval may only be delegated to other management personnel. No employee may authorize their own
compensatory time or overtime compensation. Compensatory time or overtime compensation which is not pre-approved may be approved or disapproved at the discretion of the appointing authority.

6. An employee's total compensatory time accrual may not exceed 240 hours. Compensatory time must be used within 365 days after it is accrued. If not used within 365 days, it will be forfeited.

7. Compensatory time may not be accrued during lunch hours or for work performed at home unless approved pursuant to a telecommuting agreement.

8. Compensatory time may not be used during the pay period to extend hours beyond the normal eighty (80) hours and thereby accrue additional compensatory time.

C. Reporting of Overtime and Reporting and Use of Compensatory Time

1. To report the accrual of compensatory time or overtime hours, an electronic Overtime Request in Kronos shall be completed. Requests after the payroll deadline require the completion of the Authorization for Overtime/Compensatory Time for Overtime Exempt (DRC1744).

2. Use of compensatory time must be approved in advance and is requested by submitting an electronic Time Off Request through Kronos.

3. Appointing authorities shall require that, by the conclusion of each pay period, all employees covered by this policy shall have submitted approved claims for any and all compensatory time or overtime for the corresponding pay period.

4. Compensatory time balances shall be reflected on the employee's pay statement.

D. Compensatory Time upon Transfer and Separation

1. Overtime exempt compensatory time cannot be transferred to another agency. When an employee transfers to another state agency, the available compensatory time balance shall be forfeited.

2. When an employee transfers from another agency to this agency, any compensatory time accrued at the other agency cannot be transferred.

3. When an employee transfers within the agency from one appointing authority to another appointing authority (e.g., Institution to Institution; Operation Support Center to Institution; Operation Support Center to DPCS, etc.), any compensatory time balance from the other appointing authority shall be transferred to the receiving appointing authority.

4. At the time of separation, any available compensatory time balance may not be converted for payment and may not be carried forward in the event of re-employment.

5. Cash payment for compensatory time balances is not allowed under any circumstances.
6. Use of compensatory time may not be used to extend the date of separation.

E. Discipline for FLSA Overtime Exempt Employees

Unless otherwise agreed to as part of a collective bargaining agreement or memorandum of understanding, fines, or suspensions for all FLSA OT exempt employees shall be served in forty (40) hour increments, except for working suspensions. Working suspensions can be served in any number of hours. Vacation leave may be debited in any increment(s) for discipline. If leave balances are debited, the amount debited per pay period cannot exceed the amount accrued for that same pay period.

Referenced Forms:

Authorization for Overtime/Compensatory Time for Overtime Exempt DRC1744