2.3.1 OVERTIME AND COMPENSATORY TIME FOR EXEMPT / NON-EXEMPT STAFF

A. Policy

The Fair Labor Standards Act identifies employees in two classes:

1. Exempt - Executive, Administrative and Professional Staff for which the payment of overtime or compensatory leave is not a requirement.
2. Non-Exempt - All others who must be paid overtime at one and one-half times the average hourly rate of compensation consistent with Civil Service Rules and Federal Law.

B. Definitions

1. OFFICIAL WORK WEEK. The official work week is forty consecutive hours beginning Monday at 12:01 and ending Sunday at 12:00 midnight.
2. OFFICIAL PAY PERIOD. The official pay period is bi-weekly for a total of 26 pay periods each calendar year. The pay period begins on Monday at 12:01 AM. The hours worked are assigned to a pay period by virtue of when the employee’s assigned shift begins and not by when the shift ends.
3. OVERTIME. Overtime is defined as all hours actually worked in excess of 40 in any work week (or over 8 hours per day or 80 hours per pay period if the 8/80 option is selected for hospital employees).

C. Special Overtime Pay Provision for Hospital Employees.

Under Section 7(j) of FLSA the hospital may adopt a fixed work period of 14 consecutive days for the purpose of computing overtime pay in lieu of the 7 consecutive day workweek. This option may be chosen for an employee or group of employees involved in patient care provided there is a prior agreement with the employee or employees. The Hospital Administrator is responsible for making the initial recommendation subject to review by the Department of Human Resources. If this option is chosen, overtime at the rate of one and one half the average hourly rate of pay will be paid for all hours worked in excess of 8 hours per day or over 80 hours per pay period, whichever is greater.

D. Classification of Overtime Hours for Pay Purposes

1. All non-exempt classified employees will be compensated at the rate of one and one half times the average hourly rate for all hours worked in excess of forty (40) within a workweek.
2. All exempt classified employees in pay ranges GS-12 through GS-19 who have
been designated as exempt are not eligible to receive compensation at the time and one half rate. They will be compensated at the regular rate for all hours worked in excess of 40 in a work week.

3. Premium pay such as shift differential and on-call pay must be included in the calculation of the time and one half rate for overtime.

4. No absence of any kind from work will be considered as hours worked for the purpose of overtime calculations.

5. Holiday pay will be computed at the regular straight time hourly rate. The number of hours of holiday pay is determined by the average number of hours worked each day during the pay period. If the employee works on a holiday, the hours worked are used for calculation of eligibility for overtime, and will be paid at the one and one half rate if the total hours actually worked exclusive of any non worked hourly compensation are over 40 for the week (8 for the day or 80 for the pay period) or at the regular hourly rate if the total hours worked are 40 or under for the week (8 or under for the day and 80 or under for the pay period).

E. Compensatory Time

Compensatory leave can no longer be accumulated. Classified employees who must work on a holiday will be paid appropriately for hours worked, and will in addition receive holiday pay at the straight time rate.