

ARTICLE 15 OVERTIME

Section A. Definitions.

1. **Exempt Employee.** An exempt employee is one who is not eligible for overtime. Exempt employees are in classifications in Appendix A shown as Code 3.

2. **Eligible Employee.** An eligible employee is one who is eligible for overtime compensation in accordance with Section B. of this Article. Eligible employees are in classifications in Appendices A and B shown as Code 1, Code 2, or Code 4.

3. **Overtime.** Overtime is authorized work time that an eligible employee works in excess of the applicable standard described in Section B. of this Article.

4. **Work Time.** Work time is defined as all hours actually spent in pay status including travel time required by and at the direction of the Employer before, during or after the regularly assigned work day. Work time does not include sick leave.

5. **Work Week.** The work week shall consist of seven (7) consecutive twenty-four (24) hour periods commencing at 12:01 a.m., Sunday.

6. **Regular Rate.** The regular rate of pay is defined as the employee's prescribed rate per hour, including any applicable shift pay, prison ("P" rate) pay, hazard pay, and on call pay.

7. **Overtime Rate.** The overtime rate shall be one and one-half (1-1/2) times the regular rate.

8. **Compensatory Time.** Compensatory time is authorized paid time off from work in lieu of overtime pay. Compensatory time is not charged against an employee's annual, sick or other leave bank.

Section B. Eligibility for Overtime Credit.

The Employer agrees to compensate eligible employees at the overtime rate in cash payment or, by mutual agreement between the employee and the Employer, in compensatory time at one and one-half (1-1/2) hours for each hour of overtime (hereinafter referred to as compensatory time credit) under the following conditions:

1. An employee in a classification indicated as Code 1 in Appendices A and B shall be compensated at the overtime rate for all authorized work time, as defined above, in excess of eight (8) hours of work time in a day or forty (40) hours of work time in a work week or all consecutive hours in excess of eight (8).

2. An employee in a classification indicated as Code 4 in Appendix A shall be compensated at the overtime rate for all authorized work time as defined above in excess of eighty (80) hours of work time in a pay period.

3. An employee in a classification indicated as Code 2 in Appendices A and B shall be compensated at the overtime rate for all authorized work time, as defined above, in excess of forty (40) hours of work time in a work week.

4. An employee in a classification indicated as Code 1 or Code 2 in Appendices A and B who is on any modified work schedule shall be compensated at the overtime rate for all authorized work time in excess of their regular working day or forty (40) hours of work time in a work week.

5. An employee in a classification indicated as Code 4 in Appendix A who is on any modified work schedule shall be compensated at the overtime rate for all authorized work time in excess of eighty (80) hours of work time in a pay period.

6. When a Code 1 employee requests a work schedule adjustment within a work week in lieu of accumulation of overtime and the Employer agrees, such adjustment shall be made as long as the employee has not worked in excess of forty (40) hours in the work week.

7. An eligible employee may, by mutual agreement, receive compensatory time off for overtime hours worked in lieu of cash payment for such hours worked up to a limit of 240 hours. Employees engaged in public safety, emergency response, or seasonal work may accrue up to 480 hours of compensatory time. Compensatory time banks will be paid out in full upon separation from employment.

8. An exempt employee in a classification indicated as Code 3 in Appendix A is not eligible for overtime compensation, however, such employee with the prior approval of the Employer shall be entitled to absences from work without charge to leave credits. The Departmental Employer shall certify the employee has completed the reasonable equivalent of a full eighty (80) hour pay period.

Section C. Overtime Compensation.

The Employer shall make a good faith effort to insure, where possible, that payment for overtime worked is made the pay day of the first pay period following the bi-weekly work period in which the overtime is worked.

Section D. Pyramiding.

Premium payment shall not be duplicated (pyramided) for the same hours worked. If an employee works on a holiday, overtime compensation for the first eight (8) hours worked on the holiday is due and payable only after forty (40) hours of work time in a work week are exceeded.

Section E. Scheduling of Compensatory Time.

Current systems of accumulating and scheduling compensatory time shall continue if consistent with this Section. The issues of accumulation, scheduling and

pay-off of compensatory time for any classification, including those designated as Code 3, covered by this Agreement will be subject to secondary negotiations.

When compensatory time credits have been earned by an employee for overtime work or work performed on a holiday, this accrued time shall be used at the convenience of the employee subject to supervisory approval based on criteria applicable to annual leave. However, if the Employer does not permit the employee to use accrued compensatory time credits before the end of the fiscal year in which the credits have been earned, the employee may be paid in cash at the regular rate for the compensatory time credits unused at the end of the fiscal year. Unused compensatory time credits which are not paid shall be carried to the next fiscal year. The employee may carry over eighty (80) hours compensatory time credits unless otherwise agreed upon in secondary negotiations.

Compensatory time shall be taken before annual leave except where an employee at the allowable annual leave cap would thereby lose annual leave.

Unused compensatory time credits of an employee who resigns, retires, or transfers to a different Appointing Authority shall be paid at a rate not less than the employee's current regular hourly rate or the average regular rate received by such employee during the last three (3) years of the employee's employment, whichever is higher. Unused compensatory time credits of an employee who is laid off shall be paid in the manner of annual leave prior to such layoff.

Section F. Overtime Procedure.

Current systems of scheduling both voluntary and mandatory overtime shall continue if consistent with this Section. The issues of scheduling voluntary and mandatory overtime for any classification covered by this Agreement will be subject to secondary negotiations at the request of either party.

The Employer has the right to require an employee to work overtime, and to schedule overtime work as required in the manner most advantageous to the Employer and consistent with the requirements of State employment and the public interest.

Giving consideration to work assignments and organizational units in the Department, the Employer agrees to distribute overtime work as equally as practicable to employees who normally perform the assigned duties. The parties recognize that overtime work performed by Code 4 employees requires that a specific individual perform the overtime work. When the overtime work being offered is to be compensated in the form of compensatory time only, employees who decline such overtime shall not have those hours included for purposes of overtime equalization. Work locations or equalization units, use of volunteers, maintenance of overtime rosters, scheduling days off, and recognition of seniority in making overtime assignments are issues which may be addressed in secondary negotiations, if not covered by this Agreement.

In the Departments of Corrections and Community Health an employee may request an exemption from mandatory overtime for personal reasons once during the first three calendar months of the year, once during the second three calendar months of the year, once during the third three calendar months of the year and once during the last three calendar months of the year. When this occurs, the next person in line for mandatory service shall take the assignment. In the Departments of Corrections and Community Health, registered nurses shall not be required to work more than sixteen (16) consecutive hours within a twenty-four (24) hour period unless conditions exist that restrict work place accessibility or jeopardize prisoner/client care.

Section G. Timekeeping.

Timekeeping records shall be maintained for all employees to record total number of hours (work, annual leave, sick leave, holiday pay and compensatory time) in pay status on a daily basis.