



# OFFICE OF ADMINISTRATION ADMINISTRATIVE POLICY

<b>POLICY TITLE:</b> Overtime and Holiday Work	<b>AUTHORIZED BY:</b> <b>Kelvin L. Simmons</b> Commissioner
<b>POLICY :</b> <b>B-2</b>	<b>PAGE:</b> <b>1 of 4</b>
<b>ISSUED:</b> <b>August 1, 1984</b>	<b>REVISED:</b> <b>Septemeber 2011</b>

## **I.     General Statement**

This policy is established to provide standardization in the authorization, compensation and reporting of overtime and holiday work by all Office of Administration (OA) employees.

All actions under this policy are subject to the Fair Labor Standards Act (FLSA), Missouri statutes, and the regulations of the Personnel Advisory Board (PAB). Specifically, this policy establishes OA's practice under 1 CSR 20-5.010, Hours of Work and Holidays.

The implementation and continuation of this policy, except as required by law, is dependent upon the availability of a division's sufficient funds to apply it consistently among division employees within a given fiscal year.

## **II.    Purpose**

The purpose of overtime is to aid in the accomplishment of the assigned functions during periods of exceptional workload or to aid in the completion of special assignments. In exceptional circumstances, the appointing authority may approve overtime to complete normal work assignments. Like overtime, holiday work should be authorized only in exceptional circumstances or when continuous operation is required.

## **III.   Guidelines**

- A. Overtime and holiday work shall only be allowed upon the request or approval of the appointing authority.
- B. The appointing authority may delegate the authority to approve overtime and holiday work to unit supervisors but will establish guidelines for approval and monitor such approvals. Supervisors are responsible for monitoring and scheduling work in a manner that precludes the need for overtime. Supervisors should attempt to schedule work so that an employee does not work more than forty (40) hours during a workweek. If an employee is required to work hours outside of his/her regular work schedule, supervisors should make every effort to schedule an equal amount of time off during the same workweek so that no overtime liability occurs



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C. Classifications under the PAB regulations are assigned to overtime categories by the Division of Personnel. These categories are identified in the Missouri Uniform Classification and Pay Plan and are defined as follows:

1. Overtime pay category code "0": Top level supervisory, managerial, and administrative staff and persons employed in very responsible professional, technical or consultative capacities who do not normally receive overtime compensation except in unusual circumstances as determined by appointing authorities.
  2. Overtime pay category code "1": Other supervisory, professional, technical and related positions that are compensated for overtime (hours in pay status over forty in a workweek) at a straight time rate.
  3. Overtime pay category code "2": Other categories of employees who are compensated for overtime (hours actually worked over forty in a workweek) at the rate of time and one-half. These employees earn straight-time compensatory time for hours in pay status (but not actually worked) over forty in a workweek.
- D. Compensatory time shall be used before annual leave except when to do so could result in loss of annual leave.
- E. Upon separation from employment with OA, an employee with compensatory time will be reimbursed for the time in the same manner as for annual leave.
- F. "Holiday work" is any period an employee, with approval, works on a regularly scheduled state holiday or any other day designated a state holiday by authorized state or federal authorities.
- G. A work shift which begins on a state holiday shall be considered as being all on the holiday.
- H. A holiday is a period of not more than eight hours.
- I. Overtime will be accrued in quarter hour increments.
- J. Under FLSA, an employee may accrue up to 240 hours of Federal compensatory time (time-and-a half). Hours over 240 will be paid.



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## IV. Compensation

### A. Overtime Pay category "0"

1. Top level supervisory, managerial and administrative staff and persons employed in very responsible professional, technical or consultative capacities are employed to perform a job and to work the hours that the job requires. These employees are expected to plan and schedule work to accomplish program objectives without formal authorization of overtime work and do not normally receive overtime compensation.
2. The appointing authority may authorize overtime compensation for employees in this category only if highly unusual circumstances warrant it. Authorization must be given in advance of the actual hours worked. Employees shall be compensated, as determined by the appointing authority, by (1) an equal amount of compensatory time off, or (2) payment at the regular rate of pay for the position for hours in excess of 20 hours of accumulated compensatory time, or (3) payment at the regular rate of pay for all hours earned.
3. Holiday work by these employees may be compensated by equal time off

### B. Overtime pay category "1"

1. Other supervisory, technical, professional and related categories of employees shall be compensated for authorized work assignments which cause the employee to exceed forty hours in pay status during a workweek as determined by the appointing authority, by (1) an equal amount of compensatory time off, or (2) payment at the regular rate of pay for the hours in excess of 20 hours of accumulated compensatory or (3) payment at the regular rate of pay for all hours earned.
2. Holiday work by these employees may be compensated by equal time off at the time(s) the appointing authority shall agree or designate. At the discretion of the appointing authority, an employee in this category may receive straight-time pay for holiday compensation time.
3. Employees in this category who are required to begin or complete travel during other-than-normal working hours will be compensated by equal time off. Travel time will only be compensated for in-state travel and shall include a reasonable amount of time necessary to travel to and from the destination.



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C. All other employees (overtime pay category "2")

1. Authorized overtime work by employees in this category which cause the employee to exceed forty hours in pay status (time actually worked and on paid leave) during a workweek shall be Compensated, as determined by the appointing authority, by (1) allowing an equal amount of compensatory time off, or (2) allowing payment at the regular rate of pay for their positions.
2. An employee shall receive an additional one-half time compensation, by pay or compensatory time off, for any such hours of work which exceed forty hours actually worked within the workweek. Annual leave, sick leave, holidays and other absences with or without pay shall not be considered hours of work for purposes of determining compensation at the rate of time-and-one-half.

Time off at the rate of time-and-one-half may be granted in lieu of pay for overtime, by agreement among the employee, the supervisor and the appointing authority before the work is performed and otherwise in accordance with 29 CFR 553.25. Whether compensation is by time off, versus pay, is at the division's discretion. The Human Resource Director shall review such decisions for compliance with 29 CFR 553.25.

3. Holiday work by these employees may be compensated by equal time off at the time(s) the appointing authority shall agree to or designate. At the discretion of the appointing authority, an employee in this category may receive straight-time pay for holiday compensatory time, providing the actual time worked does not fall within the definition of overtime to be paid at the rate of time and one-half.

V. **Documentation**

- A. SAM II HR/Payroll is the statewide leave system of record.
- B. Each supervisor, designated by the appointing authority, shall track the hours worked and taken off by subordinates.
- C. Supervisors may track hours by having employees sign in and out, by acting as a timekeeper, by designating a timekeeper, or by any other accurate method.