

DEFINITIONS

Overtime: Hours worked over and above an overtime-eligible employee's regular, established work schedule.

Overtime-eligible Employees: Those employees who are covered by the overtime pay provisions of the Fair Labor Standards Act and/or applicable state rules and policies on premium overtime pay.

Overtime-exempt Employees: Those employees who are not covered by the overtime pay provisions of the Fair Labor Standards Act and/or applicable state rules and policies on premium overtime pay.

Regular hourly rate: An employee's regular hourly rate shall be calculated by dividing his/her base biweekly salary by seventy-five (75).

Straight Overtime: Hours worked by an overtime-eligible employee in excess of his/her regular, established work schedule but less than forty (40) hours in a calendar week or as established for law enforcement schedules in accordance with 31 IAC 5-7-8.

Premium Overtime: Hours worked by an overtime-eligible employee in excess of forty (40) hours in a calendar week or as established for law enforcement schedules in accordance with 31 IAC 7-8 and for which compensation is at a time and one-half rate.

RESPONSIBILITIES & PROCEDURES

Employees are responsible for:

- keeping track of overtime hours worked to avoid excessive overtime;
- performing any overtime work for which the employee has volunteered or been assigned;
- not refusing more than one (1) mandatory overtime assignment in each six (6) month period; and
- employees may also make arrangements with qualified co-workers to split or share overtime assignments with the approval of management.

Employer is responsible for:

- planning and managing the work to minimize the need for overtime hours and payment;
- assigning overtime work in the manner most advantageous to the State and consistent with the requirements of state employment and the public interest;
- developing and posting procedures by which employees may volunteer for overtime assignments;
- posting overtime opportunities in reasonable locations and as far in advance as practical for employees to volunteer for such assignments;
- offering, in advance, compensatory time off in lieu of payment for voluntary overtime whenever such is in the best interests of the State and offering payment rather than compensatory time off when that is in the best interests of the State;
- ensuring employees have reasonable opportunities to use compensatory time off;
- making payment for hours earned as compensatory time off, if compensatory time off is not used within the quarter succeeding the quarter in which it is earned, unless otherwise approved by the State Personnel Director and State Budget Agency;

- making reasonable efforts to secure volunteers;
- maintaining records to ensure that overtime opportunities are distributed in an equitable manner consistent with operational needs for specific skills;
- keeping track of total hours of overtime worked in order that employees do not volunteer for excessive amounts of overtime;
- including procedures to allow an employee to refuse one (1) mandatory overtime assignment once every six (6) months without repercussions;
- preventing employees from volunteering for or working excessive amounts of overtime, such as working more than two (2) consecutive sixteen (16) hour days; and
- consistently applying this policy; and
- referring to the agency human resources office any employee who has requested an exemption from overtime assignments. Upon referral, the agency human resources office shall engage the employee in an interactive process and require documentation to determine whether there is a reasonable accommodation available that will enable the employee to perform the essential functions of his/her job if the request for exemption is due to his/her own medical condition. The agency human resources office shall also make further inquiries and require documentation to determine whether the Family-Medical Leave Policy (FML) & Responsibilities/Procedures apply. If FML is approved, such employee will be charged family-medical leave to cover any overtime assignment declined due to such FML-qualified reason. Employees declining mandatory overtime assignments or renegeing on prior commitments made to work specific overtime assignments due to a FML-qualified reason will also be moved on the overtime list as if they had worked the assignment and allowed to use one (1) refusal in each six (6) month period in the same manner as other employees.

REFERENCES

31 IAC 5-7 Fair Labor Standards Act & Rules
Financial Management Circulars 2003-1 and 2011-2