

TAG – State Human Resources Policy and Procedures

Timekeeping & Pay- Overtime

References

K.A.R. 1-5-24 & 1-9-2 (c) & (d)
Department of Administration Bulletins 00-01 & 05-04

Policy

1. All staff is to keep overtime to a minimum and control the fiscal liability of overtime accruals.
2. Whenever feasible, work time should be rearranged during the same workweek to avoid overtime.
3. Overtime is to be approved in advance unless there are extenuating circumstances, such as an emergency.
4. Only non-exempt (hourly) employees are eligible for overtime.
5. Benefits eligible, non-exempt employees who work overtime are compensated in ‘time’ at the 1½ rate or by ‘pay’ at 1½ times the hourly rate of pay.
6. Overtime compensatory time may be used as early as the next ‘work week’ after being accrued. *An employee does not have to wait until the next ‘pay period’ to use accrued ‘comp time’ as is the case with accrued vacation and sick leave.*
7. Non-benefits eligible (999-hour), non-exempt employees who work overtime are compensated by pay at the 1½ rate as they are not eligible to accrue time. The 1½ rate counts towards the 999-hour limit.
8. Unless otherwise justified and approved, overtime is compensated by ‘comp time’ as opposed to pay until the combination of accrued overtime compensation hours and accrued holiday compensation/credit hours reach 120.+ *Exception:* Overtime will be paid time if, as a result of a disaster or other extenuating circumstance, the agency receives funding from another source to cover that overtime expense.
9. Any overtime or holiday hours worked over 120+ will be paid unless requested and justified and then approved by The Adjutant General.
10. Supervisors, managers and fiscal staff are to work together in approving and managing overtime.
11. Employees can be required to work overtime.

Definitions

1. **Time worked** is time actually worked, including time worked on a legal holiday or an officially observed holiday.
2. **Overtime** is time actually worked over 40+ hours in the designated workweek.* (*Leave taken and holiday credit do not count toward overtime.*)
3. **Overtime** starts at the point in the day that the employee works over 40+ hours in the work week.*
Example: If a Monday-Friday, 8am-5pm scheduled employee works 11 hours on Monday (11 hrs/wk), 8 hours on Tuesday (19 hrs/wk), 9 hours on Wednesday (28 hrs/wk), 12 hours on Thursday (40 hrs/wk), the employee would be in overtime status if any time is worked on Friday. Note: Overtime is not figured by the day, but by the week. Therefore in the example above, although the employee worked more hours than regularly scheduled, on Monday, Wednesday and Thursday there was no ‘overtime’ on those days because the employee had not yet **worked** 40 hours in the week.
4. **Holiday Compensation Time:** Accumulations of “Holiday Credit” banked at straight time and “Holiday Compensation” hours accrued at the 1½ rate.

*Exception is designated fire fighting positions whose overtime threshold is 106 hours and work week is a 14 consecutive day period.

5. **Work week:** The State work week is seven (7) consecutive days beginning at Sunday midnight and continuing through Saturday. *

Procedures

1. **Request for Overtime:**

- A. The supervisor and employee will assess the work load, special projects, staffing, urgency, etc. to determine if overtime is the only feasible alternative for a specific situation.
- B. If it is determined that overtime is the only feasible option, a “State Employee’s Request for Authorization of Overtime” form (attachment) is to be completed by the employee and supervisor.
- C. If the estimated number of overtime hours worked will cause the employee to exceed a combination of overtime comp hours and holiday comp/credit hours in excess of 80, the supervisor must also secure the approval of the respective division director.
- D. If the overtime is approved and the combination of overtime comp hours and holiday comp hours will put the employee over the 120 agency threshold, the employee will be **paid*** for the hours over 120. When that occurs the respective fiscal officer must also sign the form.

Approval Summary

Combined Hour Totals	Approval	Approval	Coordination with
80 or less	Supervisor		
Over 80 to 120	Supervisor	Division Director	
Over 120	Supervisor	Division Director	Fiscal Officer

- E. The signed, approved overtime form is attached to the timesheet and submitted to the State Human Resource Office (SHRO) at the end of each pay period.
- F. Unless otherwise approved and documented*, SHRO will automatically pay any overtime or holiday comp/credit when the combination of the two exceeds 120 hours.

* If there are extenuating circumstances and instead of pay, it is desired that the employee be allowed to **accrue more** than the combination of 120 hours, a request and justification is to be submitted to The Adjutant General through SHRO.

2. **Ongoing Exceptions:**

If there is a business reason for an ongoing mass exception to this policy (i.e. federal disaster funds covering hours worked under a presidential declared disaster), a request for an ongoing exception justifying the exception is to be submitted to the SHRO Director for approval.

3. **Accrual Reports**

SHRO will provide division directors (or a designee) leave accrual reports as they become available after the processing of each payroll period. These reports contain leave information, as well as overtime compensatory time and holiday compensatory time/credit figures.

- 4. Any exceptions to this policy and its procedures may be requested for approval by the Director of SHRO or The Adjutant General. The merits of which will be taken on a case-by-case basis.

OPR: Director of SHRO

* Exception is designated fire fighting positions whose overtime threshold is 106 hours and work week is a 14 consecutive day period.