
 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	<p>TITLE</p> <p>Compensatory Time, Overtime and Recall</p>		<p>NO. 2214</p>
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<p>SUPERSEDES</p> <p>DIR #2214 Dtd. 3/17/16</p>	<p>DISTRIBUTION</p> <p>A</p>	<p>PAGES</p> <p>PAGE 1 OF 3</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p>	<p>APPROVING AUTHORITY</p> 		

- I. DESCRIPTION:** This directive provides background information on compensatory time and overtime, guidelines for their distribution, accumulation and utilization, as well as compensation afforded employees recalled to work.
- II. POLICY**
- A. **Notice:** It shall be the policy of this Department to provide as much notice as is practicable to employees who may be required to work overtime. Overtime will not be required of security employees unless every alternative has been explored. The person in charge of the facility will confirm that available staff have been assigned in the most efficient manner.
 - B. **Emergencies:** The Superintendent may retain Correction Officers and supervisory personnel on overtime duty in an unforeseen emergency which requires immediate action by the security staff to restore order in the facility. The Superintendent has the responsibility to inform the Deputy Commissioner for Correctional Facilities at the earliest possibility of his action, and to document the necessity for the use of overtime by security staff.
 - C. **Overtime:** Overtime is the term applied to any time worked in excess of 40 hours in any payroll week and is paid at the rate of one and one-half times “straight time” according to the established pay scale and Collective Bargaining Agreements. Overtime is allowed only when it can be demonstrated that sufficient personnel are not available to maintain essential services and that an effort has been made to fill the available vacant positions. The smallest amount of overtime that an employee can earn in one day is ¼ hour.
 - D. **Compensatory Time:** Compensatory time may only be earned by employees who are overtime-eligible and who work a 37 ½ hour work week. No other employees are eligible, legally or through any other informal facility or division arrangement, to earn compensatory time or “E.T.E.” Compensatory time is the term applied to any time worked between 37 ½ hours and 40 hours in any payroll week.
- III. GUIDELINES**
- A. **Overtime:** Distribution of overtime is frequently governed by various employee-organization agreements, including local labor-management agreements. In the absence of such agreements, the following guidelines should be applied:
 - 1. Employees required to travel on official business are normally allowed to earn overtime.

2. Usually, travel time for attendance at professional meetings, conventions, and training courses is not to be considered as earned overtime. However, if attendance is mandated by official duties such as presenting a paper, overtime may be authorized.
 3. Overtime is to be offered to employees based on seniority and is distributed as equitably as possible, with the exception of work in progress when it becomes impractical to substitute employees. The employee selected must have the qualifications and ability to perform the work required.
 4. If no employee volunteers to work overtime, assignments will be made in inverse order of seniority.
- B. Compensatory Time: When compensatory time is earned, the employee is granted the equivalent time off in lieu of compensation.
1. Prior to working compensatory time, an employee must have authorization from his or her supervisor. Credits are earned in ¼ hour units and should be liquidated in similar units as soon as practicable. Only those employees who normally work a 37 ½ hour week and are authorized to earn overtime are eligible to earn compensatory time if prior approval has been obtained. Credits earned shall be liquidated no later than the close of the fiscal year following the year in which they were earned.
 2. Employees who are reassigned within this Department may transfer accumulated compensatory time. When an employee transfers to another department, retires, or resigns, he or she is to receive compensation for any unused compensatory time credits up to a maximum of 30 days. If an employee is discharged as a result of disciplinary charges or gives less than two weeks notice prior to a voluntary separation, he or she is still entitled to payments for accumulated compensatory time up to a maximum of 30 days. When an employee dies, his or her accumulated compensatory time credits are liquidated in a lump sum payment made to his or her estate or beneficiary up to a maximum of 30 days.
 3. CSEA (ASU, ISU and OSU) and PEF (PS&T) have negotiated agreements entitled the **Over 40 Comp Time Pilot Program**. This program allows eligible employees to earn compensatory time in lieu of overtime pay for hours worked over 40 in a work week, up to a maximum of 240 hours. This program does not allow employees to accrue compensatory time to be used as leave accrual, however, employees are permitted to cash out up to 120 hours of accrued credit once per year, at the employees straight time rate at that time. For details of the pilot program consult the appropriate negotiated contract and/or the most recent Civil Service Attendance and Leave Manual, Policy Bulletins 2008-03(PEF) and 2008-04(CSEA).
- C. Ineligible Employees: Should an employee who is normally *ineligible* to earn overtime be required during a normal workweek to work more than forty hours, an adjustment may be made to his or her work schedule to balance this extraordinary time commitment. In these instances, the following guidelines are to be applied:
1. The work period adjustment is to be made within a relatively short period after the extra time was worked; and

2. The employee may not list such time on his/her time card nor is financial compensation to be made for the additional service provided.
- D. M/C Employees: Management/Confidential Employees have the option, if they are in an overtime-eligible position, to earn either cash payments or compensatory time for overtime worked. In both instances, this amounts to one and one-half times either their normal salary or, for those who select compensatory time, the number of hours worked.

IV. RECALL

- A. An employee who has left his or her work station after completing his or her work shift for the day may subsequently be called back to work. For purposes of computing compensatory time, the employee will be considered to have worked a minimum of one-half day. Examples:
 - An employee regularly scheduled to work 40 hours per week is called back to work for 3 hours. When determining the total hours worked by the employee during that week, he or she would be credited with 44 hours and would receive overtime compensation for 4 hours of recall work.
 - An employee regularly scheduled to work 37.5 hours per week is called back to work for 3 hours. This employee is considered to have worked 3.75 hours (one-half day) and is credited with 2.5 hours of accrued non-compensatory overtime and receives overtime compensation for the 1.25 hours of recall work.

When an employee is required to work more than one-half day, he or she is credited for the actual time on duty.

- B. Recall is treated specifically in two State-employee agreements:
 1. Institutional Services Unit: In addition to the above recall guidelines, this agreement states that if the employee is recalled to work more than once during a period of one-half day, he or she will not be credited with more than one-half day's overtime, unless the actual time worked is more than one-half day.
 2. Security Unit: An employee who is recalled to work unscheduled overtime after having completed his or her scheduled work period and left his or her scheduled facility shall be guaranteed a minimum of one-half day's overtime compensation. Employees called back as a result of riot, prison break, fire or escape and not put to work shall be guaranteed one-quarter day's overtime compensation.