

Number 11.2 - OVERTIME/COMPENSATORY TIME

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Applicable To: All classified employees, as well as exempt and temporary, with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William H. Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT

Consistent with efficient and sound management of State government, overtime work for all employees will be held to a minimum. The appointing authority will ensure that supervisors schedule and assign regular work so that it minimizes the need for overtime work. This policy provides agencies and departments with the necessary guidelines for the implementation and administration of overtime and compensatory time performed by employees of the State of Vermont.

DEFINITIONS

ACCRUAL YEAR - The first full semi-monthly pay period beginning April 6, through the last full semi-monthly pay period ending April 5.

COMPENSATORY TIME - time off substituted for the receipt of cash for overtime worked at the applicable rate.

HOURS WORKED - includes all time an employee must be on duty, on the employer's premises, or at any other prescribed place of work.

NORMAL WORKING HOURS - the hours between the beginning and ending of an employee's regularly scheduled shift.

OVERTIME - the hours actually worked by an employee in excess of the standard established either by law or by the Agreements between the State of Vermont and the Vermont State Employees' Association, Inc.

WORKDAY - a regularly scheduled day of work which begins at the time the employee's regular and normal work schedule begins and continues for twenty-four consecutive hours.

WORKWEEK - a period of 168 hours during 7 consecutive 24-hour periods, beginning at 12:01 a.m. Sunday, and ending at 12:00 midnight, Saturday.

GENERAL PROCEDURES

The Overtime and Observance of Holidays Articles of the current Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. contain sections relating to the application of overtime and must be adhered to, where applicable.

Overtime work for all employees should be held to a minimum consistent with efficient and sound management of State government.

Each appointing authority (or designee) shall schedule and assign regular work in a manner which will minimize the need for overtime work, and shall require compliance with reasonable standards of performance before requiring employees to work overtime.

It is understood and agreed that determining the needs for overtime work, scheduling the hours overtime shall be worked, and requiring overtime work are exclusively employer's rights.

DISTRIBUTION AND AUTHORIZATION OF OVERTIME

Appointing authorities shall make a reasonable effort to distribute overtime as equitably as possible among classified employees, and shall not change or alter the regular workweek of an employee (once posted where applicable) for the purpose of avoiding the payment of overtime or shift differential. Persistent schedule changes in individual employees are discouraged and will be subject for Labor-Management Committee discussion.

Overtime shall be assigned whenever practicable to volunteers. Assignment of overtime work to volunteers shall not be considered contrary to the concept of equitable distribution of overtime.

With written request and twenty-four (24) hours' notice, an employee shall be excluded from further consideration for overtime. Such request may be canceled by the employee and may also be revoked by a supervisor under emergency circumstances, unless a medical exemption has been granted. An employee with a medical exemption may not volunteer for overtime without medical clearance. The employer may exercise its discretion to offer overtime opportunities to employees whose availability for overtime is self-limited to specific times or days. Such accommodation shall not itself be grievable by other employees.

It is agreed that except in emergency or crisis situations, employees who are on annual leave, personal leave, or compensatory time off shall be the last to be required to work overtime.

If classified employees are scheduled for overtime work or are unavailable for overtime work, non-classified employees may be authorized to work overtime.

Employees shall be given two (2) weeks' notice of scheduled overtime. However, in emergency situations, the employer shall give the maximum notice practical under the circumstances.

When it becomes necessary to continue work on a particular project on an overtime basis, the employee required to perform such overtime work will normally be the one who has been working on the same project during his or her regular work hours.

Institutions and other work units which routinely distribute overtime shall do so on a rotational basis, in a fair and equitable manner for both voluntary and involuntary distribution of overtime within each such unit.

Temporary adjustments in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime.

Employees may not authorize their own overtime without permission from management.

OVERTIME COMPENSATION

I. FOR CLASSIFIED EMPLOYEES:

Classified employees will be compensated for all hours worked in excess of the normal working hours according to their assigned overtime category. Employees who are entitled to receive either cash or compensatory time for overtime worked will be paid in cash unless compensatory time is specifically requested.

The appointing authority shall ensure that all overtime earned and used is recorded on the employee's time sheet as it occurs.

The following hours are to be considered as time actually worked for purposes of determining eligibility for overtime compensation:

- hours actually worked
- hours on annual leave
- compensatory time off
- hours on personal leave
- unworked paid holidays
- paid VSEA time
- court and jury duty
- time spent traveling to and from training

The following hours are not considered as time actually worked for purposes of computing overtime, included but not limited to:

- meal time
- normal commuting time

- hours on paid sick leave
- hours on Workers' Compensation
- military leave
- civic duty leave
- fire and rescue duty
- educational leave with pay
- administrative leave
- temporary relief from duty
- time off payroll

II. FOR TEMPORARY EMPLOYEES:

Temporary employees are paid only for time actually worked. If temporary employees are required to work overtime, they will receive cash at time and one-half for any hours worked over eight (8) in a day, or forty (40) in a week, unless otherwise authorized under Policy Number 12.7, Compensation for Temporary Employees.

Temporary employees are not eligible to earn compensatory time for overtime worked.

III. FOR EXEMPT EMPLOYEES:

Overtime pay for exempt employees may vary depending on their agreed upon conditions of employment, which should be established at the time of hire. The agency/department personnel office should be consulted for questions regarding their exempt employees.

EARNING COMPENSATORY TIME

The Overtime and Observance of Holidays Articles of the current Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. contain sections relating to Compensatory Time and must be adhered to, where applicable.

An employee who is entitled to be paid cash for approved overtime may instead request compensatory time off at the applicable rate. If compensatory time is not requested at the time the overtime is approved, the employee will be paid in cash.

USING COMPENSATORY TIME

Employees wishing to use compensatory time must make a request in advance to their supervisor. Management may grant or deny an employee's request, pursuant to the operating needs of the department. If the request for use of compensatory time is granted, management will make every effort to schedule the time off within a reasonable time period. Management should encourage employees to use their compensatory time as they earn it.

When an employee separates from State service, (s)he will be paid in cash in a lump sum with the final paycheck at the employee's then base rate of pay, for any unused compensatory time balance.

Unused compensatory time off that was earned by an employee during accrual year "A" may be carried over until the end of accrual year "B", but not beyond that. Except in the instance of overtime category 18, when the employee, through no fault of his or her own, is unable to use up accrual year "A" compensatory time prior to the end of accrual year "B", (s)he will be paid in cash at the base hourly rate then prevailing.