

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

3.05.02 OVERTIME AND COMPENSATORY TIME

- A. Non-exempt employees are those employees who are paid on an hourly basis and who are eligible to earn overtime. Non-exempt employees hold positions that are not administrative, professional or executive as defined by the Fair Labor Standards Act.
1. In general, Board employees will not work more than forty hours in a single work week. When overtime work cannot be avoided, employees will be compensated at one and one half hour of overtime for each hour worked in excess of forty in accordance with the Fair Labor Standards Act and the Ohio Revised Code. Full time employees who work less than 40 hours per week will be compensated at their regular rates up to 40 hours.
 2. Except in an emergency, overtime must be authorized in advance by the Superintendent, Program Director or Supervisor. Overtime that is not pre-authorized will be paid, but may result in disciplinary action. Overtime provisions will comply with the Fair Labor Standards Act. This policy is in place of Sections 4111.03(B) and (C) of the Revised Code.
 3. In an emergency situation, if the Supervisor cannot be reached for approval, overtime may be worked without prior authorization. After the event, the Supervisor must evaluate the situation and determine whether or not a true emergency existed and the overtime was warranted. Regardless of the outcome, the employee will be paid for overtime worked. However, unwarranted overtime may lead to disciplinary action.
 4. For overtime calculation, the time in active pay status when an employee is not actually working (e.g., sick leave, vacation or Paid Time Off), is not considered time worked. Legal paid holidays and compensatory time off shall be considered hours worked for calculating overtime. (Ref.: ORC 325.19)
 5. When a non-exempt employee is required to work on a legal paid holiday, he/she shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay in addition to holiday pay. When calculating overtime for a calendar week that includes a holiday, time actually worked on holiday is not considered in the calculation because time and a half is already being paid. (Ref.: 123:1-43-01)
 6. Scheduled overtime that is subsequently canceled and not worked will not entitle the employee to any overtime compensation. Only overtime actually worked is compensable.

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7. When attendance at a meeting, conference and training session, etc. is required, travel time (if out of the county) and time actually spent in sessions will be considered time worked for calculating overtime. Meal breaks will be counted as time worked only when the meal is an integral part of a required event. Travel time is defined as time actually spent in motion going to and from an event. Time worked does not include breaks during the trip for eating or activities unrelated to an employee's job description.
8. In the case of the death of an employee with unpaid overtime credit or unused compensatory time, this shall be paid in accordance with ORC Section 2113.04 or to the employee's estate. (Ref.: ORC 325.19)
9. Employees who are considered direct service and non-exempt will be paid for all overtime. Employees who are non-exempt, but not considered direct service may take overtime compensation in the form of pay or compensatory time off as outlined below:
 - a. Tracking the accumulation and use of compensatory time will be the responsibility of the Department Directors or their designees.
 - b. Rules for accumulation of compensatory time off:
 - i. Compensatory time will be calculated as one and one half hour for each hour worked in excess of forty in one work week. Compensatory time can only be earned in half hour increments.
 - ii. An employee must sign the form indicating whether he/she wishes compensation in the form of wages or compensatory time. Failure to request compensatory time will result in overtime compensation in the form of wages.
 - ii. Compensatory time may be accumulated up to a maximum of 240 hours. Hours earned in excess of this limit will be paid in wages.
 - c. Use of Compensatory Time Off
 - i. The use of compensatory time must be scheduled for a time that will not unduly disrupt the delivery of services. Requests for use of compensatory time must be submitted a minimum of 24 hours prior to the proposed use date, except in emergency situations.

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- ii. Compensatory time off must be used within a year of the date it was earned. Time not used within a year will be paid out as wages at the employee's regular rate which is effective at the time the compensatory time is paid. (Ref.: ORC 124.18)
 - iii. Compensatory time off may be used in quarter hour increments.
 - iv. Compensatory time, as well as all forms of leave, must be exhausted before an employee may apply for donations of leave or request leave without pay.
- d. Unused Compensatory Time Off
 - i. Employees with a compensatory time off balance who move into an overtime-exempt position will be permitted to use the remaining compensatory time in accordance with the above guidelines or may request that the balance be paid in wages by applying a factor of two-thirds and making payment at the overtime rate which is effective for the employee at the time the compensatory time is paid. (Ref.: OAC 123:1-43-02)
 - ii. Employees who have unused compensatory time off accumulated at the time of separation from employment will be paid for the unused time at the rate of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment, whichever is greater. (Ref.: ORC 124.18)

B. Exempt Employees

These employees are paid on a salaried basis and are not eligible for overtime.

- 1. Administrative
 - a. Administrative Assistant
 - b. Fiscal/HR Specialist
- 2. Professional
 - a. Teachers
 - b. Nurses

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- 3. Executive
 - a. Directors
 - b. Team Leaders
 - c. Managers/Supervisors