


Overtime Policy

	Louisiana Department of Health	
	Policy Number	45.2
	Content	Policy and Procedures for Overtime Compensation
	Effective Date	June 19, 2017
	Inquiries to	Office of Management and Finance Division of Human Resources, Training and Staff Development Bienville Building, 628 N. 4 th Street P. O Box 4818 Baton Rouge, Louisiana 70821-4818

I. POLICY STATEMENT

It shall be the policy of the Louisiana Department of Health (LDH) to manage overtime in accordance with the Fair Labor Standards Act (FLSA), Civil Service rules and the provisions of this policy. Overtime shall be administered uniformly and without regard to race, national origin, religion or other non-merit factors. All employees shall comply with the provisions of the FLSA which takes precedence over this policy, state law and Civil Service rules.

II. APPLICABILITY

This policy shall apply only to classified employees of LDH. An Executive Order issued by the Governor provides rules applicable to certain unclassified employees. The LDH Policy #36 (Appointment and Pay of Student Employees) provides information relevant to unclassified students.

III. IMPLEMENTATION

Appointing authorities (statutory and delegated) and managers/supervisors within LDH shall be responsible for implementing this policy within their jurisdiction, prudently managing the work of staff to lessen the need for overtime, maintaining records of overtime on employees under their supervision and for certifying the accuracy of such records.

IV. DEFINITIONS

A. Exempt employees

Exempt employees are those employees who meet the executive, administrative, professional, computer or special exemption requirements outlined in the FLSA and, therefore, are not entitled to overtime compensation under the FLSA. (Exempt employees may, however, be compensated for overtime hours in accordance with Civil Service rules and the provisions of this policy).

B. Non-exempt employees

Non-exempt employees are those employees who do not meet the exemption requirements outlined in the FLSA and, therefore, must be compensated at a rate of not less than time and one-half for overtime hours actually worked.

Note: Please refer to LDH Policy #49 (Fair Labor Standards Act Determinations) to determine an employee's status if unknown.

C. Management

For purposes of this policy "management" refers to appointing authorities (statutory or delegated) and managers/supervisors with delegated authority for approval of overtime.

V. POLICY PROVISIONS

A. Appointing authorities or managers/supervisors with delegated authority for approval of overtime (management) may require an employee to work overtime when necessary.

1. Management shall notify affected employees of the need to work overtime as far in advance as possible.
2. Management retains the right to schedule overtime hours for employees as needed, including calling in employees in order to provide services or conduct business operations.
3. Management has the authority to discipline employees who refuse to work overtime.

B. Prior Approval of Overtime

1. No employee shall work overtime without the prior approval of management unless an unforeseen critical or emergency situation exists. If an employee believes a situation to be of an emergency/critical nature and an appointing authority or supervisor/manager cannot be reached, the employee must submit for approval/disapproval written documentation of the event and justification for overtime to management via

Louisiana Employees Online (LEO) or LDH Form HR-23 (Overtime Request) as soon as possible. Each situation will be evaluated on an individual basis.

2. To be in compliance with the FLSA, a non-exempt employee must be compensated for all hours worked, authorized and unauthorized, of which the supervisor is aware.
3. Management may discipline employees (exempt or non-exempt) who work overtime without prior authorization including situations provided for in subsection B.1 which are disapproved.

C. Justification for Overtime

Requests by employees for overtime may be approved if sufficient justification is provided prior to the date of the overtime work. Such requests shall be directed to management via Louisiana Employees Online (LEO) or LDH Form HR-23 (Overtime Request) as far in advance as possible. Some acceptable conditions for granting overtime requests include but are not limited to:

1. Excessive workload
2. Special projects
3. High vacancy rates
4. High absenteeism rates due to widespread illness or an emergency situation
5. Holiday and/or vacation coverage

D. Compensation for Overtime

1. Upon employment, employees shall be asked to sign a Statement of Agreement or Understanding regarding compensation for overtime worked.
2. All overtime shall be entered into the payroll system as compensatory time (Z001 K-time) except when paid overtime (Z002) has been approved in advance by the **Deputy Secretary and Undersecretary**.
3. LDH 24 hour Facility Administrators may authorize paid over time as necessary to ensure facility continuity of care, safety, and security upon receipt of written approval from the Deputy Secretary and Undersecretary. Each Facility will provide a written list of positions for which call back and the ability to payout overtime may be needed. The list will be submitted to and approved by the Deputy Secretary and Undersecretary prior to overtime payouts.

If a service is needed by a classification that is not on that list, the CEO or administrator on duty will call and obtain approval from the Deputy Assistant Secretary over of State Facilities.

Note: Under the FLSA, non-exempt employees may only accumulate 240 hours of time-and-one half compensatory leave; once the 240-hour limit is reached non-exempt employees are automatically paid in cash for any subsequent overtime hours covered by the FLSA.

4. For information regarding payouts of straight compensatory leave please refer to LDH Policy #28 – Leave Policy for Classified LDH Employees.

E. State as Single Employer

1. According to the U. S. Department of Labor, Wage and Hour Division, the various agencies of Louisiana state government are considered to be a single employer for overtime purposes under the FLSA.
2. The agency assumes overtime liability when a non-exempt employee works in excess of forty hours* in any given work week regardless of the agency for which the preceding work was performed.

* Note: Or as allowed by the FLSA, in excess of 8 hours a day and in excess of eighty hours in a fourteen day, eighty hour work period (8/80).

3. Overtime costs should be considered when hiring a non-exempt employee who is also employed by another state agency. Extreme caution should be exercised to prevent LDH from being placed in a position of costly and complicated overtime liability.
4. An employee with dual state employment may be subject to non-disciplinary removal under Civil Service Rule 12.6(a)4.

F. Conferences

1. Overtime may be approved for attending work-related conventions, conferences, seminars, workshops, etc. if the employee's actual hours devoted to business activities exceed the employee's regularly scheduled hours of work.
2. Overtime shall not be approved for social activities in relation to conventions, conferences, seminars, workshops, etc.

G. Travel

Compensation for travel shall be made in accordance with the FLSA, Division of Administration Travel Policies and Procedures (PPM 49), Civil Service rules and the provisions of this policy.

1. Exempt employees

a. Commute time

- (1) Overtime shall not be granted for commute time. Normal travel to and from home is not working time; therefore, an exempt employee is not entitled to compensation for such travel time. This provision is applicable whether the employee works at a fixed location or at different job sites.

Note: An employee who is required to return to his/her duty station while on-call may receive overtime compensation for his/her commute time.

- (2) If an exempt employee is required to report to a meeting place to pick up other employees, materials or equipment before traveling to the work site, compensable time may start at the meeting place.

b. Out-of-town travel for a day

Overtime may be approved if an exempt employee travels outside of regular working hours on a normal work day at the direction of the employer. The employer may exclude a portion of the total travel time as normal home-to-work commuting time.

c. Overnight travel

- (1) Overtime may be approved if an exempt employee travels outside of regular working hours on a normal work day at the direction of the employer when travel extends overnight.
- (2) Overtime may be approved if an exempt employee must travel on a non-work day at the direction of the employer when travel extends overnight.
- (3) The employer may exclude a portion of the total travel time as normal home-to-work commuting time.

2. Non-exempt employees

- a. Non-exempt employees shall be afforded at least the same overtime benefits as those afforded exempt employees under this policy and more if provided for in the FLSA.

- b. The Human Resources office should be consulted for information/guidance concerning situations that require a non-exempt employee to travel outside normal work hours.

VI. EXCEPTIONS

Exceptions to this policy require the approval of the LDH Secretary and may require the approval of Civil Service Commission.

VII. REFERENCES

Federal Fair Labor Standards Act

Civil Service Rules – Chapter 21

Civil Service Rule 12.6

LDH Policy #49 – Fair Labor Standards Act Determinations

LDH Policy #36 - Appointment and Pay of Student Employees

LDH Policy #28 – Leave Policy for Classified LDH Employees

LDH Policy #10 – Travel Regulations Policy (PPM49)

VIII. REVISION HISTORY

Date	Revision
January 29, 1998	Policy created
April 4, 2011	Policy revised
July 1, 2015 – May 12, 2016	Policy superseded by Statewide Policy #2
June 19, 2017	Policy reinstated and revised
	Policy revised