


Overtime Policy

	Louisiana Department of Health	
	Policy Number	45.4
	Content	Policy and Procedures for Overtime Compensation (Compensatory Leave Earned or Cash Payment)
	Effective Date	May 5, 2021
	Inquiries to	Office of Management and Finance Division of Human Resources, Training and Staff Development P. O Box 4818 Baton Rouge, Louisiana 70821-4818

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

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 take precedence over this policy, state law and Civil Service rules. For guidelines regarding overtime due to emergencies/disasters, please refer to Section V of this policy – Overtime for Emergency/Disaster Operations Work.

Note: LDH Policy #27 -Overtime Policy for Disaster Operations Work has been abolished and its provisions have been included in Section V of this policy.

II. APPLICABILITY

This policy shall apply only to classified employees of LDH. LDH Policy #136 (Unclassified Appointees and Unclassified Employees of LDH – Attendance and Leave) provides information

relevant to unclassified appointees and unclassified employees. LDH Policy #36 (Appointment and Pay of Student Employees) provides information relevant to unclassified students.

III. DEFINITIONS

- A. **Appointing Authority** - An officer or employee authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.
- B. **Compensation for Overtime** – Overtime compensation may be granted in the form of compensatory leave earned (K-Time) or cash payment.
- C. **Executive Management Team** - The positions that report directly to the Secretary of LDH.
- D. **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 (compensatory time or cash payment) under the FLSA. Civil Service Rules do allow for an exempt employee to be compensated for overtime.
- E. **Fair Labor Standards Act (FLSA)** – The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments.
- F. **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 (compensatory time or cash payment) at a rate of time-and-one-half for overtime hours actually worked in excess of 40 hours during any affected week. Please refer to LDH Policy #49 (Fair Labor Standards Act Determinations) to determine an employee’s status if unknown.
- G. **Official Domicile** – According to Civil Service Rule 1.20.2 “Official Domicile” means the following: “(a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located. (b) The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town or area as may be designated by the department head, provided that in all cases such designations must be in the best interests of the agency and not for the convenience of the employee.”

The appointing authority (or his/her designee) shall designate the official domicile of each employee in accordance with a consistent application of Civil Service Rule 1.20.2. The official domicile of each employee is recorded in the online human resources and payroll system (La Gov HCM) under the “Work Parish” designation.

IV. POLICY PROVISIONS

- A. Employees may be required to work overtime when necessary.
- B. Corrective action and/or disciplinary action may be taken in cases where employees refuse to work overtime or work overtime without authorization.
- C. **Prior Approval of Overtime**
 - 1. Overtime requires prior approval from the supervisor or Appointing Authority. Overtime in excess of 10 hours per pay period requires prior approval of the appropriate Executive Management Team member or their designee(s); however, LDH 24-hour Facility Administrators may authorize overtime as necessary to ensure facility continuity of care, safety, and security.
 - 2. No overtime shall be incurred on days that the office is closed without specific, written prior approval from the supervisor or Appointing Authority.
 - 3. On a case-by-case basis, the Executive Management Team or their designee(s) may authorize overtime related to specific projects or activities, including blanket prior approval of overtime and/or delegating approval of overtime to subordinate managers or supervisors. Under this provision, managers, supervisors and employees shall be responsible for strictly adhering to all directives issued by the Executive Management Team or their designee(s).

Any blanket approval for overtime automatically ends June 30th of each fiscal year, if not sooner, and must be reauthorized for the new fiscal year, if applicable.
 - 4. **Exception for emergency/disaster-related overtime** – Overtime worked in accordance with Section V of this policy is exempt from the prior approval requirements contained in this Section.
- D. **Justification for Overtime**
 - 1. Some acceptable conditions for approving overtime requests include but are not limited to:
 - a. Excessive workload
 - b. Special projects
 - c. High vacancy rates
 - d. High absenteeism rates due to widespread illness or an emergency situation
 - e. Holiday and/or vacation coverage

2. On a monthly basis, each Assistant Secretary, Medicaid Executive Director, or OS Director shall review the overtime reported via the Human Resources Dashboard and provide an explanation to the Executive Management Team or their designee (s) regarding any employee with overtime hours in excess of 25 hours per pay period or a compensatory time balance of 100 hours or more.
3. **Exception for emergency/disaster-related overtime** – Overtime worked in accordance with Section V of this policy is exempt from the justification requirements contained in this Section.

E. 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 approved overtime will be compensated with compensatory leave except when paid overtime has been approved in advance by the Deputy Secretary and the Undersecretary.
3. 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 in accordance with Civil Service Rule 21.10.
4. To be in compliance with the FLSA, a non-exempt employee must be compensated for all hours worked, authorized and unauthorized, of which LDH is aware.

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

Overtime compensation for travel shall be made in accordance with the FLSA, Civil Service rules and the provisions of this policy.

1. Exempt employees
 - a. Commuting time

- (1) Overtime shall not be granted for commuting time. Normal travel to and from the employee's official domicile 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.
- (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 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 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.

V. OVERTIME FOR EMERGENCY/DISASTER OPERATIONS WORK

- A. Emergency Support Function 8 (ESF 8) Activation - Upon activation of ESF 8, LDH employees may be directed to perform duties related to an emergency/disaster. For information regarding ESF 8 activation and employee responsibilities during activation, please refer to LDH Policy #65 – LDH Emergency Preparedness (All Hazards Response).
- B. Definition of “working time” related to emergency/disaster operations work
1. **Includes** time spent in:
 - (a) Working at an assigned Emergency /Disaster Operations Site and/or performing disaster/operations tasks at another assigned site.
 - (b) Transit to or from an employee’s work assignment **outside** the employee’s official domicile. However, regardless of the employee’s official domicile, transit that does not extend beyond a single parish shall not be counted as working time. For example, an employee who lives in Ascension Parish and works in Baton Rouge has an official domicile of East Baton Rouge Parish. If this employee is assigned to perform disaster operations work at a site in Ascension Parish, he/she would be considered to be working upon his/her arrival at the disaster operations site, not when he/she left his/her home in Ascension Parish since parish lines were not crossed.
 2. **Excludes** time spent in:
 - (a) Ordinary commuting to or from the employee’s official domicile.
 - (b) Sleeping at an assigned location, except under extraordinary circumstances as defined by the Emergency Duty location’s Incident Commander and upon approval of the LDH Emergency Operations Director.
- C. Documentation requirements and compensation for emergency/disaster-related overtime
1. LDH employees working at Emergency/Disaster Operations Sites or performing assigned emergency/ disaster operations tasks at other assigned sites shall accurately complete LDH Form HR48-B (LDH Disaster Operations Timesheet).
 2. Emergency/disaster-related overtime shall be entered as compensatory leave (Z001).
 3. Emergency/disaster-related overtime shall be coded to the emergency/disaster event as communicated by the LDH Division of Human Resources and Staff Development.
 4. Employees shall receive compensation for disaster-related overtime (compensatory leave or cash payment) in accordance with this policy, the Fair Labor Standards Act, Civil Service Rules and other applicable federal and state laws.

5. Civil Service Rule 21.9(e) allows state agencies to compensate exempt employees performing assigned emergency/disaster-related duties at the time-and-one-half rate (compensatory leave or cash payment). In LDH, time-and-one-half overtime compensation may only be granted to exempt employees if it is approved by the LDH Secretary.
6. Corrective action and/or disciplinary action may be taken in cases where employees refuse to work overtime or work overtime without authorization in conjunction with emergency/disaster operations.

D. Schedule Changes

1. Under normal circumstances, the employee's regular work hours and schedule will not be changed; however, while working in an Emergency Disaster Operations Site, work hours and schedule for the week may be flexed as needed to accommodate sites operating 24 hours per day. Regular work hours may be suspended for employees who perform emergency preparedness duties.
2. If, due to scheduling difficulty or administrative error, the employee is not able to work the entire 40 hours in the work week or other number of hours regularly scheduled in the work week, Special Leave – Act of God (LSAG) may be given for sufficient hours to make the employee whole. However, if an employee fails to work 40 hours or other number of hours in the work week due to his own need to be off, the employee shall be required to use other forms of leave.
3. At the discretion of the Appointing Authority or his/her designee, employees who have been assigned to report to an Emergency Operations Disaster Operations Site or a 24-hour facility to perform disaster operations work may be granted a maximum of eight (8) hours of special leave (LSAG) prior to reporting or upon completion of duty (when an Emergency Disaster Operations Site or 24-hour facility stands down from the disaster situation) to take care of personal business and family needs. **This special leave (LSAG) shall not exceed a total of 8 hours for each declared emergency situation.** This special leave (LSAG) must be requested in advance and shall not be approved after the fact. These special leave (LSAG) hours shall not count as hours worked when calculating overtime.

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

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 #136 - Unclassified Appointees and Unclassified Employees of LDH – Attendance and Leave

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
January 29, 2020	Housekeeping change (IV. Definitions – Page 2)
February 2, 2021	Policy revised
May 5, 2021	Policy revised