


LOUISIANA OFFICE OF PUBLIC HEALTH

Office of the Assistant Secretary

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| CONTENT: | <i>Guidelines for all employees, supervisors, and managers that govern the processes and requirements for acquiring, managing, and monitoring employee overtime.</i> | | |
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| POLICY SECTIONS: | <i>Policy Statement Policy Purpose Special Circumstances Responsibilities Procedures References Inquiries</i> | | |
| ADDITIONAL INFORMATION: | <i>All references to Civil Service and LDH Policies are listed.</i> | | |
| RESPONSIBLE AUTHOR: | <i>Ashley Cox Coates, Policy Manager (2019 Updated Version)</i> | | |
| RESPONSIBLE UNIT: | <i>OPH Division of Human Resources</i> | | |
| APPROVED BY: |  | <i>, Assistant Secretary</i> | DATE: 12/19/19 |

POLICY STATEMENT

This policy is intended to standardize the overtime policy within the Office of Public Health (OPH) in a manner that will assure the agency’s ability to deliver the full volume of needed services while minimizing the costs to the state. This policy supersedes *Policy Memorandum (PM) 86, issued May 13, 1982; PM 124, issued May 13, 1986, and last Revised September 22, 1986; and PM 125, issued May 16, 1986; OPH Policy 607: Overtime revised September 22, 1986; and OPH Policy 607: Overtime last revised July 16, 2007.*

POLICY PURPOSE

It is the policy of OPH to compensate employees for overtime worked in accordance with the **Fair Labor Standards Act (FLSA)**, *Civil Service Rules*, and the *Louisiana Department of Health (LDH) policies*. The OPH policy regarding overtime compensation shall be in compliance with **LDH Policy 45.2, Overtime 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.

This policy applies to all OPH employees.

SPECIAL CIRCUMSTANCES

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).

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.

RESPONSIBILITIES

A. Employees

Employees are responsible for reading and acknowledging the receipt of this policy. All classified employees, are responsible for complying with the overtime guidelines outlined in this policy.

B. Supervisors

Supervisors are held strictly accountable for documenting employee work time.

They must ensure that each employee under their supervision is made aware of the overtime procedures and the consequences of non-compliance. Supervisors are required to address overtime issues promptly and effectively and should obtain assistance from the Human Resources office when addressing overtime problems.

Supervisors are responsible for approving employee overtime hours worked in excess of ten (10) hours per pay period. This applies to both cash payment and compensatory time. Supervisors are also accountable for ensuring that time and attendance is recorded accurately in LaGov HCM (computer-based integrated Human Resources/Payroll system). Supervisors have the authority to make exceptions to this directive.

Any supervisor who fails to adequately monitor his/her employees' overtime hours shall be subject to disciplinary action up to and including dismissal from employment. (*LDH Policy 125.1, Work Schedules, Attendance and Punctuality; pg. 2*).

C. Appointing Authorities

Appointing authorities are responsible for ensuring that each employee under his/her jurisdiction has received this policy, and acknowledged receipt of this policy, and each employee has an assigned work schedule that is documented.

Appointing authorities are also responsible for fulfilling the supervisory responsibilities for employees who report directly to them.

At the discretion of the Appointing Authority, approval may be required for **ALL** overtime (*K-Time*) earned.

D. Deputy Assistant Secretary

Deputy Assistant Secretary should review and approve or deny requests for cash payment of overtime hours worked prior to submission to the Assistant Secretary for approval.

E. OPH Human Resources

OPH Human Resources should review all requests for cash payments of overtime hours worked and provide notice of the disposition of the requests.

PROCEDURES

Within OPH, the type of compensation for overtime hours worked shall be compensatory leave, with the following exceptions:

A. The OPH Assistant Secretary may grant approval for cash payment for overtime hours worked on a case by case basis. No cash payment for overtime shall be made without prior approval of the OPH Assistant Secretary.

Request(s) for cash payment for overtime must be made in writing, explaining the extraordinary circumstances, why compensatory leave is not acceptable, and giving full justification for the need for the overtime hours worked and the cash payment.

Requests must be signed by the appropriate Deputy Assistant Secretary then submitted to the OPH Human Resources Office for processing. The OPH Human Resources Office shall notify the appropriate Deputy Assistant Secretary of the disposition of the request.

B. Within OPH, unclassified employees may receive compensation for overtime, with the approval of the Assistant Secretary.

REFERENCES

1. *Fair Labor Standards Act (FLSA)*
2. *Louisiana Civil Service Human Resources Handbook, Chapter 21: Overtime and Overtime Compensation*
3. *Louisiana Department of Health (LDH), Policy 45.2: Overtime Policy*
4. *Louisiana Department of Health (LDH), Policy 49: Fair Labor Standards Act Determinations*
5. *Louisiana Department of Health (LDH), Policy 125.1: Work Schedules, Attendance and Punctuality*

INQUIRIES

Inquiries should be directed to the OPH Division of Human Resources.