# Policy 3000

## From Human Resources

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| **PERSONNEL POLICY MANUAL** |
| **MoDOT Personnel Policy Title**: Working Hours and Overtime<br><br>**Policy Number**: 3000 **Chapter Title**: Working Hours<br><br>**Effective Date**: November 1, 2011<br><br>**Supersedes Policy Number**: 3000 **Dated**: November 9, 2009 |
| **Approved By**: Micki Knudsen, Human Resources Director (Signature on file) |

## POLICY STATEMENT

The department has established a uniform workweek for department employees and will provide earning of overtime for nonexempt positions as provided in the Fair Labor Standards Act (FLSA). The department will provide compensation for overtime to eligible exempt positions as stated in this policy. The department will also allow employees opportunities to adjust their work schedules, with their supervisor's approval. Supervisors will need to ensure their units are meeting their business operation needs, as well as the department's needs, when deciding whether or not to approve requests for work schedule changes.

## PROVISIONS/REQUIREMENTS

WORKING HOURS AND FLEX SCHEDULES

1. The workweek begins at 12:00 a.m. Sunday and ends at midnight the following Saturday night. The normal work schedule for most employees is five 8-hour days, Monday through Friday. Except for occasional variances, core hours for most employees will be 8:30 a.m. to 3:00 p.m. Special conditions may require a different schedule, such as four 10-hour days. If one or more days are observed as a holiday, the work schedule will be reduced by eight hours for each holiday observed.

2. Work schedules each week (i.e.: Monday-Friday, Tuesday-Friday, etc.) within the SAM II HR/Payroll System (SAM II system), for time reporting purposes, will be determined for each employee. These schedules will be based upon the number of days they will normally work each week, the number of hours they will normally work each shift, and when their regular hours are scheduled. A workday for the purpose of recording time into the SAM II system will be the calendar day when half or more of the time scheduled within a regular daily shift first occurs.

Employees who are scheduled to work their regular hours on a night shift (when their regular shift schedule overlaps midnight) will have the first workday of each week identified as the calendar day they are first scheduled to work half or more of the hours in their scheduled shift. The first workday of a week will be used to define the workweek for these employees in the SAM II system.

3. The normal workday for most employees is an eight and one-half hour period beginning at 7:30 a.m. with 30 minutes set aside for a meal period, which is not compensable. Special conditions or the nature of the work may require some other schedule. With their supervisor's approval, employees may arrange for a meal period longer than 30 minutes. Although a supervisor may approve an occasional exception, employees will not be allowed to work through lunch to leave early on a regular basis.

With their supervisor's approval, employees may also arrange different work schedules, such as changing from five 8-hour days to four 10-hour days. Other optional schedules that might be approved are working four 9-hour days plus one 4-hour day per week, or working four 9-hour days plus one 8-hour day during one week then working four 9-hour days with a full day off during the next week. Schedules may be either at MoDOT or from a remote location such as the employee's residence. (See Personnel Policy 0513, "Telecommuting/Remote Work.") Supervisors will need to consider the impact to business operations within their units and to the department before deciding whether or not to approve requests for different work schedules. It is not necessary for the requested schedules to be of benefit to the department, but supervisors should not approve a request if the schedule will be a detriment to the operations of their units or the department.

4. If the flex week (FLEX) procedures within the SAM II HR/Payroll System are needed to accommodate revised schedules, employees will be required to record their hours as stated in the Financial Policies & Procedures Manual. The Financial Payroll Policy article titled "Flex Time" describes the conditions in which FLEX coding can be used. The primary requirement for the use of FLEX coding is to ensure FLEX and ADDHR are coded within the same week (Sunday to Saturday).

5. Flextime schedules (to begin before or after 7:30 a.m.) may be arranged by employees with their supervisor's approval. These schedules will be on a continuing basis; however, supervisors may allow an occasional weekly or daily change.

6. Supervisors will be responsible for ensuring an accurate record of time worked by each employee during a pay period, as well as ensuring the hours of comp time accumulated, taken, and paid is recorded. The SAM II/HR Payroll System will be the source of documentation for this information.

7. District offices and the Central Office divisions/offices will be open for business from 7:30 a.m. to 4:00 p.m., Monday through Friday. Maintenance buildings, construction project offices, and other satellite offices may open later or close earlier than normal business hours, provided customer service needs and emergency situations can be handled.

8. When travel, in connection with work away from an employee's normal work location, is required between an employee's assigned headquarters and the site of this work, or between the employee's temporary point of residence and the site of this work, it should be done during normal work hours, if possible. If not possible to do so, any travel time of at least 15 minutes outside normal working hours will be recognized as time worked.

9. Salaried and permanent part-time employees are authorized a minimum of two hours of work credit when called out to work before or after their normal work schedule, provided the call-out period is not immediately preceding or following the scheduled normal workday. Each 15 minutes worked in excess of the two hours unscheduled overtime is credited as additional time worked. Scheduled overtime, unlike the above, does not provide a minimum allowance of two hours but is credited for each actual 15 minutes authorized to be worked. Also, making phone calls as part of an emergency-call procedure or answering some questions while at home does not qualify for the minimum allowance of two hours call-out work credit, but is credited for each actual 15 minutes worked.

Work time for call-out, in most situations, starts when employees arrive at their assigned work location (i.e.: maintenance building, construction project office, district or division office) to begin the work they were called to perform or to obtain the equipment needed to perform work at another location. And, their work time ends when they complete the assigned work and leave their work area (or after returning the equipment). For employees who are designated as emergency responders ("Incidence Response" and similar needs) and are provided with a department vehicle that is taken home for the evening, their work time begins when they leave their homes and ends when they return to their homes after completing their assignments.

## OVERTIME AND EMERGENCY OPERATIONS

10. The FLSA provides that all department employees in positions determined to be nonexempt are eligible for time-and-a half overtime earnings for all hours physically worked over 40 in a workweek. Employees in positions determined to be exempt are not subject to overtime earnings unless designated by the department. The department will provide straight overtime earnings to exempt employees with the following exceptions: management positions and employees in salary grades 18 through 21 (including unclassified jobs). Overtime compensation categories for

classified positions can be found on the Sub-Title (STTL) screen in the SAM II HR/Payroll System.

11. Employees will be required to work in excess of their normal work schedule, or on a holiday, whenever it becomes necessary to carry out the work of the department. Exempt employees (excluding those described in paragraph 10) will receive straight overtime earnings for each authorized 15 minutes on payroll (work or paid leave) in excess of 40 hours in a workweek. Nonexempt salaried employees will receive straight overtime earnings for each authorized 15 minutes in excess of 40 hours on payroll in a workweek until they have physically worked over 40 hours in the workweek. For wage and nonexempt salaried employees, each 15 minutes worked in excess of 40 hours physically worked in a workweek is recognized as time-and-a half overtime.

12. The occurrence of overtime is for productive work only and is to be incurred only when necessary. In some situations, the work may dictate certain employees alter their work schedules and report to work at a time other than their regular starting time.

A. At the discretion of the immediate supervisor, employees may be relieved from duty once they have completed their normal number of hours for the day if the workload, contractor schedule, weather, etc., indicates the employee is not needed for the remainder of the day.

B. At the discretion of a district or division/office management team member, employees may be relieved from duty for the remainder of the workweek once they have completed a 40-hour week on payroll (i.e., hours worked and on paid leave).

C. At the discretion of a district or division/office management team member, employees may be relieved from duty prior to having completed a 40-hour week on payroll (i.e., hours worked and on paid leave) in order to flex hours already worked, as long as the employee will be on payroll for a minimum of 40 hours for the workweek. To ensure sufficient staff is available to perform necessary work for the duration of the normal scheduled workweek, employees may be asked to flex out additional hours worked on a staggered daily basis.

Additional guidance regarding these and other provisions of this policy are found within the department's Overtime Administration Guide. The guidelines found within the Overtime Administration Guide are not all inclusive of the Department's policies and practices regarding overtime and are subject to change, without notice, based upon Department's business needs.

13. Emergency maintenance operations may require employees to work one of two 12-hour shifts. For safety reasons, employees operating these shifts are expected to take a 30-minute meal period, which is not compensable; however, when conditions do not allow this break, employees may be allowed to work a 12-hour shift without a meal break. In most instances, the normal work shifts during emergency operations (snow and ice removal, flooding, etc.) are 7:30 a.m. to 7:30 p.m. (day shift) and 7:30 p.m. to 7:30 a.m. (night shift). Supervisors will be responsible for assigning overtime. Employees not assigned for overtime will complete their standard day (8 hours, 10 hours, etc.) as directed by their supervisors. Employees are not permitted to work beyond their standard day unless directed by their supervisors. For safety reasons, supervisors

will limit employees to working no more than 12 consecutive hours per shift. In the event an employee is needed to work more than 12 consecutive hours, approval from the area engineer is required.

On the first day of the emergency condition, night shift employees may be sent home prior to the completion of their standard day, if the emergency condition is forecasted to continue into the night shift hours. These employees will be expected to return that evening to begin their shift at a time that allows them to complete their standard number of hours for that day. If conditions change and these employees are not needed for emergency operations, they will be assigned to other productive activities to complete their standard number of hours.

14. The necessity for overtime work shall be determined by an employee's immediate supervisor or higher authority. Supervisors should not permit employees who are compensated for overtime to work overtime unless authorized, and are not to authorize overtime of less than 15-minute increments. Supervisors will determine the assignment of overtime work to employees on a fair and impartial basis, with advance notice, when circumstances permit. Failure on the part of any employee to work assigned overtime without an adequate reason will subject the employee to disciplinary action.

15. The department supports the military and will try to avoid conflicts of scheduling overtime work on weekends when employees who are members of the National Guard or reserve component are scheduled for weekend drills. Employees are required to inform their supervisors if a weekend drill may occur when weekend overtime is expected by the department. If a supervisor believes an employee's presence is critical to the department, the supervisor may write a request to the employee's guard or reserve commander requesting the employee be excused from the weekend drill. If the employee is not excused, the employee must be allowed to attend the weekend drill.

## COMPENSATORY TIME

16. The department reserves the right to pay cash or provide compensatory (comp) time for part or all of any overtime earned or accumulated. Full-time salaried employees may accumulate comp time not to exceed a maximum accumulation of 240 hours for overtime worked. Nonexempt salaried employees will have a choice to receive either comp time or cash for overtime worked, with one exception. Cash will be provided when nonexempt salaried employees work additional overtime while having a balance of 240 hours of comp time.

Exempt salaried employees who are eligible for overtime earnings (in salary grades 17 and under) and have the maximum accumulation of 240 hours comp time, will not receive any compensation for additional overtime worked, with one exception. Exempt salaried employees in salary grades 16 and under will have the choice to receive either cash or comp time for their straight time overtime earnings. Because of this choice, if one of these employees has a comp time balance of 240 hours, he/she can choose to be paid cash for additional overtime work while having a balance of 240 hours. When employees in nonexempt jobs move into exempt jobs in a salary grade 16 and under, they will need to complete a new overtime choice form if they want to receive cash for overtime while in the exempt job.

Exempt salaried employees in salary grade 17 will receive comp time only (no cash) for their overtime earnings, up to the maximum balance of 240 hours.

Wage employees will receive cash for their overtime earnings.

17. When an employee is promoted into a salary grade 17 position, making him/her no longer eligible for the cash option for his/her overtime earnings, the employee will be given an opportunity to sell back any comp time over 120 hours. This will give the employee a better opportunity to "manage" his/her comp time while in this salary grade 17 position.

Since employees in jobs in salary grades 18 and higher are not eligible to receive overtime earnings, they will not need assistance to “manage” their comp time so the option to sell comp time is not available when an employee moves into one of these jobs.

18. Comp time shall be treated the same as annual leave. Comp time off may not be taken until earned and must be taken in increments of 15 minutes. Comp time off may not be taken unless approved by an employee's supervisor in advance. An employee shall be permitted to take comp time off within a reasonable period after making a request, if such time off does not unduly disrupt the operations of the work unit.

Once accumulated, comp time may not later be converted to paid overtime by an employee. An employee separating from the department for any cause will be paid for any comp time balance remaining after the last day worked. Employees who are retiring may elect to use all or portion of their comp time balance prior to their effective date of retirement.

## HOLIDAY WORK

19. Nonexempt salaried, permanent part-time, co-op, and wage (seasonal, summer, temporary part-time/retirees, and emergency) employees will be paid a holiday differential for all work performed on a holiday (official or observed) except when switching days off within their normal workweek schedule as described in paragraph 20. See the Holiday Differential link under the COMPENSATION section of the Human Resources (HR) Division’s website for the current hourly differential rate. The event type code to be used on the timesheet to record time worked on a holiday that is outside an employee’s normal work schedule is ADDHR. Time worked on a holiday that is coded to ADDHR will be counted toward work time for the purpose of earning time-and-a-half overtime for physically working over 40 hours in a workweek. The event code to be used on the timesheet to receive the holiday differential for time worked on a holiday is HDIFF.

When the HDIFF event code is used by employees who work day-shift schedules, the amount of time coded to HDIFF for the holiday must equal the amount of time coded to ADDHR as this work on the holiday is outside their normal work schedule. When the HDIFF event code is used by employees who work night-shift schedules (shift time overlaps midnight), the amount of time coded to HDIFF will not necessarily be the same as the time coded to ADDHR, as employees on night shifts could perform work on a holiday that is within their normal work schedule. The regular time worked within their normal schedule while working on a holiday will be recorded on the corresponding date as designated by their work shift schedule in SAM II. The time that is

eligible for the holiday differential is to be recorded on the actual day of the holiday by using the HDIFF event code. When employees on night shifts perform work on a holiday that is outside their regular night shift schedules, they will code this time worked to ADDHR and will be eligible for the holiday differential for this time.

20. The dates of the official and observed holidays can be seen in the ADMINISTRATION section of the HR web site. For holidays that occur on a weekend, the holiday differential will be provided when work is performed on the official holiday (Saturday or Sunday). Work performed on the day the holiday is observed by the department (offices closed on Friday or Monday), will also qualify for the holiday differential.

For holidays that occur on a weekday (Monday through Friday), the observed holiday and the official holiday will be the same day for all employees. Employees who normally work a schedule other than Monday through Friday, such as four 10-hour days, may take off for the observed holidays on different days (replacement holidays) than the department will be closed to observe these holidays. Employees who switch days off work (either employee choice or management choice) during their normal workweek schedule (i.e.: Monday through Thursday), to observe a holiday on a day other than the department's observed holiday or the employee's replacement holiday, will not be eligible to receive the holiday differential for time they work on the department's observed holiday. When switching days off within their normal workweek, the time they work on the holiday is to be coded to the event code REGLR, and they will not be eligible to code any time to the event code HDIFF.

NIGHT WORK

21. A night shift differential will be provided to eligible employees under the three provisions listed below:

A. Whenever they are scheduled to work for a full workweek at a time and a majority of the hours they are scheduled to work during that workweek are between 7:30 p.m. and 7:30 a.m. The differential will be applied to all time worked, including time that does not fall between 7:30 p.m. and 7:30 a.m. provided the majority of the hours scheduled are between these times. The night shift differential will also be applied to time on paid leave (annual leave, funeral leave, holidays, etc.) taken during the night shift workweek whenever eligible employees are scheduled to be on a night shift for a full week at a time.

B. Whenever they are scheduled to work nights for less than a full workweek (daily basis or longer). The night shift differential will be applied to the time physically worked between 7:30 p.m. and 7:30 a.m. that is not part of an employee's regular day shift hours, provided the employee is required by his/her supervisor to work during this time. The night shift differential will not apply to a situation where the supervisor requests work that requires overtime but the employee, for his/her convenience or personal reasons, provides such overtime work between 7:30 p.m. and 7:30 a.m. When an employee works a night shift during emergencies (such as snow storm), all time worked between 7:30 p.m. and 7:30 a.m. will be eligible for the night shift differential, regardless of the employee's regular day shift hours. Also, time worked on a day that is outside an employee's regular daily schedule

(such as weekends or holidays) that occurs between 7:30 p.m. and 7:30 a.m. will be eligible for the night shift differential, regardless of the employee's regular day shift hours.

C. Whenever they are called out to work outside their regular shift hours on a regularly scheduled workday as described in paragraph 9 above and this time occurs between 7:30 p.m. and 7:30 a.m. Also, time credited for call-out on a day that is outside an employee's regular daily schedule (such as weekends or holidays) that occurs between 7:30 p.m. and 7:30 a.m. will be eligible for the night shift differential, regardless of the employee's regular day shift hours.

To receive the night shift differential, the event code of RDIFF is to be entered on the timesheet for all time on payroll that is eligible for the night shift differential as described above, in addition to the regular coding requirements for the work performed. Salaried, permanent part-time, co-op, and wage (seasonal, summer, temporary part-time/retirees, and emergency) employees who earn straight time overtime (DOT 2 employees) or time-and-a half for overtime work (DOT 1 and DOT H employees) are eligible for the night shift differential. See the Night Shift Differential link under the COMPENSATION section of the HR website for the current hourly differential rate.

Employees who are not eligible for the night shift differential include exempt employees who do not receive overtime earnings (DOT 3 employees) and employees who work at home. Work-at-home situations are considered daytime schedules, and these employees will not be eligible for the night shift differential for their normal daily work. However, if their supervisors specifically require them to perform work between 7:30 p.m. and 7:30 a.m., they would be eligible for the night shift differential for the time worked at night.

22. Employees who are required to attend department-sponsored training programs, or travel to or from such training programs outside of normal working hours, will be compensated based on their eligibility for overtime as stated in this policy.

Training programs, including travel time, should be scheduled within normal working hours if possible. If not possible, any training or travel time of at least 15 minutes outside of normal working hours is recognized as time worked. When an employee, by personal preference, requests and is authorized to travel to or from a training program outside of the normal work hours, this travel time will not be compensated if the department would have provided lodging for the employee at the location of the training.

## CROSS REFERENCES

Financial Payroll Policy, “Flex Time” article
(http://financialpp.gh.modot.local/index.php/Flex_Time#Flex_Time)

Overtime Administration Guide
(http://wwwi/intranet/hr/documents/OvertimeAdministrationGuidelines.pdf)

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