

STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 WEST DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43235-2789

MEMORANDUM

TO: SEE DISTRIBUTION

FROM: Gregory L. Wayt, Major General (Ohio), The Adjutant General 

DATE: January 21, 2005

SUBJECT: POLICY - State Employee Procedure Letter #2B
Overtime and Compensatory Time for Exempt Employees

1. REFERENCES:

- a. Title 29, Chapter 5, Code of Federal Regulations (CFR).
- b. Section 124.18, Ohio Revised Code.

2. SCOPE: This policy applies to all state employees of the agency who are exempt from collective bargaining. These employees are divided into four groups as listed on Enclosures 1-4.

3. GROUPS:

- 1 - Enclosure 1 Normal Exempts
- 2 - Enclosure 2 Executive Level Exempts
- 3 - Enclosure 3 Overtime Exempt/Compensatory Time Eligible
- 4 - Enclosure 4 Security and Safety Forces

4. DEFINITIONS:

- a. Overtime: Occurs when an employee paid pursuant to Section 123: 1-43-01 OAC (who is not overtime-exempt pursuant to Title 29, CFR), is required by an administrative superior, to be in an active pay status for more than 40 hours in any calendar week. Sick leave shall not be considered an active pay status for the purposes of overtime calculations.
- b. Compensatory Time: Paid leave time accumulated in lieu of cash payment for overtime worked. One must have worked overtime before the question of compensatory time is ever raised. Compensatory time is calculated at a rate of one and one-half hours for each hour worked or on an hour-for-hour basis, depending upon the employee's exempt grouping (see Enclosures 1-4).

5. USE:

- a. All compensatory time must be used before an employee is granted a leave of absence.
- b. Compensatory time off must be taken at a time mutually convenient to the employee and

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the supervisor.

Enclosures: (5)

1-Normal Exempt Positions

2-Executive Level Exempt Positions

3-Overtime Exempt/Compensatory Time Eligible Positions

4-Security And Safety Forces

5-Compensatory Record for Overtime Exempt/Comp Time Eligible - AGN Form 0045

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Enclosure 1 to State Employee Procedure Letter #2B

NORMAL EXEMPT EMPLOYEES

1. These policies apply to all exempt employees who are in salary schedule E-1 and are not listed on Enclosures 2 or 3 to this memorandum.
2. This group of employees is entitled to receive either overtime or compensatory time in the same manner as collective bargaining positions of the department, except that there is a 180-day time limit on how long compensatory time can be retained.
 - a. Overtime rate: 1 1/2 times rate of pay.
 - b. Compensatory time: 1 1/2 times total hours worked.
 - c. Maximum comp-time accrual: 240 hours; balances over 240 will automatically be paid.
 - d. Upon termination: Compensatory time will be paid off at total rate of pay.
 - e. Administration: Overtime/Compensatory-time is administered in the same manner using the same forms as bargaining unit employees (See State Employee Procedure Letter #2A). The only exception is that the "State Employee Overtime Roster" used to administer Article 13.07 of the AFSCME/OCSEA labor agreement does not apply.

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Enclosure 2 to State Employee Procedure Letter #2B

**EXECUTIVE LEVEL EXEMPT PERSONNEL
NOT ELIGIBLE FOR OVERTIME OR COMPENSATORY TIME**

<u>PCN</u>	<u>TITLE</u>
1.0	Adjutant General
3.0	Asst Adjutant General (Army)
4.5	Asst Adjutant General (Air)

Enclosure 3 State Employee Procedure Letter #2B

OVERTIME EXEMPT/COMPENSATORY TIME ELIGIBLE
COLLECTIVE BARGAINING EXEMPT
(1 HR FOR 1 HR)

1. These policies apply to the positions listed below. Overtime pay is not authorized, but compensatory time off is authorized on a one hour for one hour basis.

<u>PCN</u>	<u>TITLE</u>	<u>PCN</u>	<u>TITLE</u>
2.0	Admin Asst 3	250.1	Admin Officer 2
5.1	Asst Quartermaster General	609.0	Business Admin 1
10.0	Fiscal Officer 3	700.0	Business Admin 1
11.4	Human Resource Admin 1	903.0	Policy Staff
11.5	Deputy Director 5	2100.0	Asst Fire Chief
130.1	Inventory Control Supervisor	2108.0	Asst Fire Chief
146.0	Deputy Director 5	2123.0	Asst Fire Chief
146.2	Grants Administrator	2201.0	Asst Fire Chief
151.0	Public Information Officer 2	2202.0	Asst Fire Chief
152.0	Deputy Director 5	2203.0	Asst Fire Chief
203.0	Purchasing Supervisor	2204.0	Asst Fire Chief
235.0	Environmental Supervisor	2300.0	Asst Fire Chief
242.0	Admin Officer 2	2308.0	Asst Fire Chief
242.1	Environmental Supervisor	2323.0	Asst Fire Chief
242.2	Bldg Maintenance Supt 2	2401.0	Asst Fire Chief
242.3	Bldg Maintenance Supt 2	2433.0	Asst Fire Chief
242.9	Bldg Maintenance Supt 2	2434.0	Asst Fire Chief

2. PROCEDURES:

- a. No overtime cash payment.
- b. Compensatory time off at the rate of one hour for one hour.
- c. The maximum accrual is 120 hours. Compensatory time must be used within 180 days from the date it is earned. Compensatory time not used within 180 days will automatically be removed from the available balance.
- d. All overtime worked by exempt employees must be directed and certified by supervisors.

NOTE: Supersedes previous Enclosure 3, dated July 15, 1999.

- e. Transfer of compensatory time from one agency to another is not permitted. Therefore, any compensatory time that an employee in this group earns, but does not use, will be eliminated from an employee's balance upon transfer.
- f. Cash payment for any compensatory time accrued or compensatory time accrued but not used prior to separation is not permitted. Compensatory time accrued in excess of 120 hours will be lost and will not be paid in cash.
- g. These exempt employees may not retain compensatory time upon separation from employment with the State of Ohio. Compensatory time may not be used to extend the

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date of separation or retirement.

- h. Each time an overtime exempt/compensatory time eligible (Group 3) employee is directed to work overtime, an AGN Form 0045 (Enclosure 5), must be completed by the supervisor. This AGN Form 0045 becomes part of the audit trail and must be retained with the T&A (time and attendance) reports.
 - i. When an employee's status changes from overtime eligible to overtime exempt, any existing compensatory time balance earned while the employee was overtime eligible will automatically be paid.
3. **EFFECTIVE:** The roster of positions, as listed above in paragraph 1, was effective January 9, 2005.

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Enclosure 4 to State Employee Procedure Letter #2B

**SAFETY FORCES
OVERTIME ELIGIBLE/COMPENSATORY-TIME ELIGIBLE
EXEMPT FROM COLLECTIVE BARGAINING**

1. These policies apply to state employee Security Officer Specialists (Class Series 4612) and Exempt Firefighters (Class Series 2659).
2. **COMPENSATION:** Fire Station Captains, Security Officer Specialists, Security Officer Specialist Supervisors. These personnel are authorized overtime and cash payment in the same manner as all collective bargaining employees and Enclosure 1 employees. In addition, these employees may accumulate compensatory time to a maximum of 480 hours instead of the normal 240 hours. Any overtime in excess of the 480 hours balance must be paid in cash; (Title 29, CFR). State Firefighters do not enter into overtime until they exceed 104 hours of work per pay period.
3. **LIMITS:**
 - a. Accrual: To a maximum of 480 hours compensatory time.
 - b. In excess of 480 hours: Compensatory time earned in excess of 480 hours will be paid at the overtime rate.
 - c. Termination: Upon termination from the agency's payroll, any accumulated but unused compensatory time will be paid off.
 - d. There is no time limit on how long compensatory time accrual may remain on the payroll record.
4. **ADMINISTRATION:**
 - a. No overtime will be worked or paid without the written approval of one's supervisor/manager.
 - b. Time and attendance entries to reflect overtime or compensatory time will be done in the same manner as for collective bargaining employees.
 - c. The authorization and audit trail forms to administer overtime/compensatory time are exactly the same as for collective bargaining employees under State Employee Procedure Letter #2A. (AGN Forms 0008 and 0009).
 - d. Overtime payment for Security Officers Specialists and Security Officer Specialist Supervisors is determined in accordance with Chapter 35-6 of the National Guard Grants and Cooperative Agreements dated 1 October 1997.
 - e. **All requests for overtime must be faxed to the State Finance Office for funding approval and signature. Overtime may only be worked after a signed Request for Approval of Overtime or Holiday Work (AGN 0008) has been returned from State Finance.**

