POLICY

HOURS OF WORK AND OVERTIME

REVIEW/REVISION HISTORY:

Effective: 7/1/83
Revised: 10/1/85
Revised: 7/1/86
Revised: 11/1/88
Revised: 10/24/97
Revised: 3/25/04
Revised: 5/31/07
Reviewed: 9/12/08
Revised: 1/23/12

SUMMARY OF REVISION/REVIEW:

II.A.1. - Adjusted language regarding flex time schedule approval
III.B.2. and V.B. - Adjusted language for clarification
III.D.2.b.1) - Adjusted that accrued compensatory time will be used before vacation leave or leave without pay unless it would cause the employee to exceed the vacation leave maximum and lose vacation leave
IV.B.1. and 1.a. - Added clarifying language
Added IV.B.3. that the Assistant Secretary may authorize compensation at straight time rate if accrual/use of exchange time is not practicable

APPROVED:

Signature on file

12/19/11

BERNARD WARNER, Secretary
Department of Corrections

Date Signed
POLICY

HOURS OF WORK AND OVERTIME

REFERENCES:

DOC 100.100 is hereby incorporated in this policy; RCW 41.06; RCW 42.04.060; RCW 70.94.521-551; WAC 292-110-020; WAC 296-126-092; WAC 357-28; DOC 830.300

Telecommuting and Alternate Work Sites; Fair Labor Standards Act

POLICY:

I. The Department will manage hours of work and overtime consistent with WAC 357-28.

DIRECTIVE:

I. Working Conditions

A. Employees will be notified, when appointed, whether their position is overtime eligible or overtime exempt.

B. Positions that are overtime eligible are covered by the provisions of the Fair Labor Standards Act. Overtime exempt positions are not covered by these provisions.

C. Supervisors will be responsible for informing employees of their work schedule and attendance expectations and for controlling and monitoring the work hours of their employees per this policy and WAC 357-28.

D. Employees will be responsible for knowing and abiding by their work schedules, and for knowing and complying with the provisions for overtime.

II. Flexible Schedules

A. Normal business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

1. Appointing Authorities may approve flex time schedules (i.e., schedules with fixed core hours of work with regular starting and quitting times other than 8:00 a.m. to 5:00 p.m.), ensuring staff coverage to meet the established normal business hours and business requirements.

2. Managers are encouraged to consider alternate or flex time schedules, where appropriate, to:

   a. Manage the need for overtime,
   b. Gain flexibility in enhancing services to the organization,
   c. Assist with meeting commute trip reduction goals, and/or
   d. Provide desirable schedules for employees.
B. Work schedule variations other than Monday through Friday, except for 24 hour facility work shifts, require prior written authorization from the Appointing Authority using DOC 03-138 Alternate Workweek Schedule and will be approved only if the schedule does not impede service to the public or the office/unit in accomplishing its mission.

III. Overtime Eligible Positions

A. It may be necessary for staff to work extra hours beyond their regular schedule to accomplish the work requirements of the Department. Overtime assignment and compensation will be consistent with applicable WACs and Department policy.

B. Only work performed in excess of 40 hours in a workweek will result in overtime. When determining whether overtime has occurred:

1. Leave with pay will not be considered work time.
2. Paid holidays will be considered work time.

C. Management retains the right to determine when the assignment of overtime is necessary. Managers and supervisors will manage the delegation of work to minimize the need for overtime.

1. Non-permanent employees may be appointed to assist in accomplishing the work requirements of the Department.

2. Management will ensure that employees do not volunteer extra time to the assigned job outside the work schedule when it would result in overtime.

   a. Employees in overtime eligible positions may not work beyond the 40 hour workweek without prior authorization for overtime by the supervisor, except in an emergency.

   b. Employees are expected to observe normal working hours unless work requirements call for varying the schedule to complete duties within the 40 hour workweek as agreed to by the supervisor prior to deviating from the normal work hours.

D. Supervisors will ensure that employees are appropriately compensated for work performed in accomplishing their job requirements.

1. Approved overtime earned, compensated in cash and compensatory time, will be reported to the appropriate attendance keeper each pay period using DOC 03-022 Overtime Request/Approval for accrual and liquidation.
2. All overtime will be compensated at the rate of time and one half, either by cash payment or compensatory time.
   
a. Cash payment for required overtime will be based on the regular rate for the pay period in which the overtime was worked. Cash compensation should normally be paid on the payday for the pay period in which the overtime was earned.
   
b. Accrued compensatory time will be:
   
   1) Used before vacation leave or leave without pay, unless it would cause the employee to exceed the vacation leave maximum and lose vacation leave, or
   
   2) Cashed out, at a minimum, by the end of the fiscal year or when the employee moves to another agency.

   a) Time will not be cashed out during a pay period in the month of February, except for employees retiring in February or moving to another agency.

   c. Accrued compensatory time may be transferred when moving between sub-agencies within the Department.

IV. Overtime Exempt Positions

A. Overtime exempt positions are typically professional or administrative staff responsible for determining the best method for accomplishing the duties assigned. This may necessitate work hours beyond 40 hours per week.

B. Overtime exempt employees are not authorized to receive overtime compensation in either cash or compensatory time.

1. When the circumstances involved to accomplish the expectations of assigned work are unusual and excessive in nature, the Appointing Authority/designee may authorize these employees to accrue exchange time.

   a. Unusual and excessive is work that is extraordinary and especially disproportionate to the normal workload of the position, and normally of short duration.

2. Exchange time may be accrued at straight time up to a maximum of 80 hours, unless approved by exception request to the Appointing Authority/designee.
3. If the accrual and/or use of exchange time is not practicable, the appropriate Assistant Secretary/designee may authorize compensation at the straight time rate.

C. Exchange time has no cash value and cannot be transferred between agencies. Employees transferring within the Department to another program with a separate funding code will be given the opportunity to use the exchange time before the transfer. Exchange time will not transfer with the employee to a position with a different funding code.

V. Meals and Rest Periods

A. Employees will be allowed a meal period of at least 30 minutes, which begins no less than 2 hours and no more than 5 hours from the beginning of the shift.

B. Meal periods are not considered time worked, unless the employer requires the employee to remain on duty on the premises or at a prescribed worksite in the interest of the employer. Employees who are required to work a shift without a meal period, but who are able to eat during the work shift, do not receive a meal period.

C. Employees will also be allowed a rest period, on the employer's time, of not less than 10 minutes, not to exceed 15 minutes, for each 4 hours of working time. Where the nature of the work allows employees to take equivalent intermittent rest periods, scheduled rest periods are not required.

VI. Excused Absence

A. Time during which an employee is excused from work for holidays, sick leave, vacations, or compensatory time will be considered time worked for payroll purposes.

VII. Travel

A. Travel from official residence to official work site and return is not considered compensable as time worked or for travel expense purposes, except as provided in applicable laws and/or statutes. Official travel is considered time worked when it is performed:

1. During the employee’s scheduled hours of work.

2. Outside the employee’s scheduled hours of work and involves custody of an offender to the travel destination. A maximum of 8 hours per day will be deducted for sleep time, which is not considered time worked.
3. Outside the employee’s scheduled hours of work and prior administrative authority has been obtained for such travel to be considered as compensable.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Compensatory Time; Regular Rate; Work Shift; Workweek. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 03-022 Overtime Request/Approval
DOC 03-138 Alternate Workweek Schedule