

Overtime

Effective: July 1, 1977

UDOT 05-71

Revised: December 10, 2013

Purpose

To establish the Utah Department of Transportation (Department) policy and procedure concerning overtime and to establish the responsibility for obtaining proper authorization for use of overtime.

Policy

1. Overtime work will be kept to a minimum consistent with the operating needs of the Department. Overtime will be approved according to Department procedures.
2. Overtime compensation is established for each class title by the Department of Human Resource Management and is identified as N (Fair Labor Standards Act, non-exempt) or E (Fair Labor Standards Act, exempt).

FAIR LABOR STANDARDS ACT NON-EXEMPT (FLSA-N)

3. FLSA-N employees will be compensated for overtime worked at the rate of one and one half times their regular rate of pay for hours actually worked in excess of 40 hours in a work week. FLSA-N employees will be compensated for overtime worked with pay except where employees have signed an agreement indicating the acceptance of compensatory time. This allows the Department discretion to give compensatory time or pay for overtime worked. Employees who indicate they will accept compensatory time do so with the understanding that management reserves the right to pay down any compensatory time balances at any time.
4. An employee's election to accept pay only or compensatory time for overtime worked will be in effect when a new agreement is signed. The employee's election may be changed at any time.
5. FLSA-N employees who elect to receive compensatory time may accumulate up to a maximum of 80 hours. Additional overtime will be paid on the pay day for the period in which it was earned once the maximum is reached.
6. FLSA-N employees will earn excess time when actual hours worked plus holidays paid and hours spent on jury duty exceed 40 hours in a work week. No leave time other than holiday and jury leave will result in an employee accruing excess time.

Excess time is earned only until the employee accumulates 40 hours of actual work in a work week, after which overtime rules apply (see section 3).

Excess leave may be taken as time off from work, may be paid down at any time at management's discretion, or may accumulate up to 80 hours, after which any additional excess leave earned will be automatically paid down.

FAIR LABOR STANDARDS ACT EXEMPT (FLSA-E)

7. Any compensatory time earned by FLSA-E employees is not an entitlement, is not a benefit, and is not a vested right.
8. FLSA-E employees are eligible for straight-time overtime compensation when they actually work in excess of 80 hours in a work period (two week pay period). They will be compensated for overtime worked by granting them time off at a rate of one hour off for each hour of overtime worked.
9. Any additional overtime will be paid on the pay day for the period in which it was earned for FLSA-E employees who have accumulated the maximum of 80 hours compensatory time.
10. FLSA-E employees will earn excess time when actual hours worked plus holidays paid and hours spent on jury duty exceed 80 hours in a pay period. No leave time other than holiday and jury leave will result in an employee accruing excess time.

Excess time is earned until the employee accumulates 80 hours of actual work in a pay period, after which overtime rules apply (see section 9).

Excess leave may be taken as time off from work, may be paid down at any time at management's discretion, or may accumulate up to 80 hours, after which any additional excess leave earned will be automatically paid down.

11. Any compensatory time earned by FLSA-E employees but not taken, will lapse at the end of the Department's annual overtime year. The Department will consider the last day in the fifth and fifteenth payroll period as the last day of the overtime year for Department employees in an exempt position.

Compensatory time that has been earned but not taken, will lapse for any FLSA-E employee who leaves the agency through a transfer to another agency, termination, retirement, or who will otherwise not return to work before the end of the overtime year.

EXCESS HOURS

12. Employees may use excess hours the same way as annual leave.
13. Department management will approve excess hours before the work is performed.
14. Department management may deny the use of any leave time, other than paid holiday and jury leave, that results in an employee accruing excess hours.

Background

This policy and procedure has been developed in compliance with the Department of Human Resource Management's requirements for state agencies.

Definitions

- FLSA-E Employees who are exempt from the Fair Labor Standards Act.
- FLSA-N Employees who are not exempt from the Fair Labor Standards Act.

Procedures

Overtime

UDOT 05-71.1

OVERTIME TYPE: EMERGENCY

Responsibility: Region or Group Leader or Designee

Actions

1. Authorize emergency overtime work under vested authority and according to Department policy with pay for eligible personnel when necessary to affect the safety of the highway user under conditions of roadway damage, highway construction, snow removal or other emergency situations.
2. Review explanation of emergency overtime on payroll forms submitted by leader.

OVERTIME TYPE: NON-EMERGENCY WORK

Responsibility: Requesting Authority

3. Assess overtime need. Adjust work schedules to avoid overtime if possible.
4. Prepare overtime request providing justification for the overtime and indicating the names, titles, rates of pay and anticipated hours required for individuals who are to work the overtime.
5. Send request to the Region or Group Leader or designee for approval.

Responsibility: Region or Group Leader or Designee

6. Review request for adequate justification. Approves or disapproves request under vested authority of the Department Director. Assures effective planning, scheduling, and monitoring procedures are in place to minimize abuse. Consider alternatives to overtime use.
7. Return request to originator and indicates whether the overtime has been approved or disapproved.
8. Assure that overtime use is kept at a minimum consistent with the operating needs of the Department.
9. Hold leaders accountable for proper monitoring and use of overtime. Assure that overtime regulations and procedures are being followed.

Responsibility: Requesting Authority

10. Monitor overtime worked to assure it is within the limits approved. Keep overtime work to a minimum.
11. Prepare payroll forms and sends to region or group administrative section (payroll) with a copy of the overtime approved.

Responsibility: Region or Group Administration

12. Compare overtime worked with payroll documents to assure compliance with the region, group leader, or designee approval. Hours for individuals may differ from the original approval as long as total hours approved are not exceeded. An explanation is to be made for the difference.
13. Prepare overtime exception report for the Region or Group Leader where overtime worked exceeded authorized overtime.
14. Maintain records on overtime usage and approval for audit by the Department, State, or other regulatory agencies.