

STATE OF OHIO  
ADJUTANT GENERAL'S DEPARTMENT  
2825 West Dublin Granville Road  
Columbus, Ohio 43235-2789

MEMORANDUM

TO: State of Ohio Employees and Supervisors

FROM: Major General Mark E. Bartman, The Adjutant General *MES 17 Sep 15*

DATE: 17 September 2015

SUBJECT: WORK RULE – Overtime and Compensatory Time for Exempt Employees

REFERENCES:

- Fair Labor Standards Act., 29 USC § 2-7, 213 as amended
- Fair Labor Standards Act, 29 USC §207(k)
- Section 124.18, Ohio Revised Code
- DAS Directive No. HR-D-08 Effective Date: 09-01-2009

GENERAL

This directive applies only to employees who are exempt from collective bargaining. Compensatory time can be earned by employees only for work hours which are immediately necessary to the operation of the office.

A. Overtime Exempt Employees - (Excludes Assistant Fire Chiefs)

Work Schedules

1. A supervisor, when not prohibited by operational needs, may approve a standard 40 hour work week schedule for overtime exempt employees. No compensatory time will be granted for office work which could have been completed during the 40 hour week. An overtime exempt employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week may earn compensatory time.
2. A supervisor, when not prohibited by operational needs, may approve a flexible work schedule for overtime exempt employees that permits an employee to flex up to 80 hours in the same pay period. No compensatory time will be granted for office work which could have been completed during an 80 hour flexible work schedule. A flexible hour overtime exempt employee who is required by an administrative supervisor to be in active pay status for more than 80 hours in the same pay period may earn compensatory time.

3. Pursuant to section 123:1-47-01(A)(2) of the Administrative Code, "active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining the amount of compensatory time, active pay status does not include sick leave or leave used in lieu of sick leave.
4. The following classifications are exempt from earning compensatory time.
  - Adjutant General
  - Assistant Adjutant General (Air)
  - Assistant Adjutant General (Army)
  - AQM (depending on military membership)

#### Use and Accrual of Compensatory Time

1. Compensatory time is earned on an hour-for-hour basis for hours in an active pay status in excess of eighty (80) hours worked in a pay period. Compensatory time is earned in one-tenth of one hour increments.
2. No compensatory time can accrue nor may overtime be earned during an employee's lunch hour or for work completed at home.
3. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually convenient time. Compensatory time may be used in intervals of one-tenth of one hour.
4. Compensatory time use must be documented on a leave form signed by the employee and the employee's supervisor prior to leave being taken.
5. The maximum amount of compensatory time which an employee may earn is 120 hours. Any compensatory time earned must be used within 365 days of being earned.
6. Cash payment for earned compensatory time is not permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be forfeited upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. Compensatory time earned in another state department or agency is not transferable.

#### B. Overtime Eligible Employees - (Excludes Fire Captains)

##### Work Schedules

1. A supervisor when not prohibited by operational needs, shall approve a standard 40 hour work week schedule for overtime eligible employees. No

compensatory time or overtime will be granted for office work which could have been completed during the 40 hour week. An overtime eligible employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week may earn compensatory time or overtime at the employee's discretion.

2. Pursuant to section 123:1-47-01(A)(2) of the Administrative Code, "active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining the amount of compensatory time or overtime, active pay status does not include sick leave or leave used in lieu of sick leave.

#### Use and Accrual of Compensatory Time or Overtime

1. Compensatory time is earned on a time and one-half (1 ½) basis for hours in an active pay status more than forty (40) hours worked in any calendar week and is earned in one-tenth of one hour increments.
2. Overtime shall be compensated at the rate of one and one-half (1 ½) times the employee's total rate of pay for each hour worked in an active pay status more than forty (40) hours in any calendar week.
3. No compensatory time can accrue nor may overtime be earned during an employee's lunch hour or for work completed at home.
4. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually-convenient time. Compensatory time may be used in intervals of one-tenth of one hour.
5. Compensatory time use must be documented on a leave form signed by the employee and the employee's supervisor prior to leave being taken.
6. The maximum amount of compensatory time, which an employee may accrue, is 240 hours. Any compensatory time earned must be used within 365 days of being earned.
7. Cash payment for earned compensatory time is permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be paid upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. No compensatory time earned in another state department or agency will be transferable.

## C. Overtime Exempt Employees – Assistant Fire Chiefs ONLY

### Work Schedules

1. Fire Chiefs, when not prohibited by operational needs, shall approve a 104 hour work period schedule for Assistant Fire Chiefs. An Assistant Fire Chief who is required by an administrative supervisor to be in an active pay status for more than 106 hours in any pay period may earn compensatory time.
2. Pursuant to section 123:1-47-01(A)(2) of the Administrative Code, "active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining the amount of compensatory time, active pay status does not include sick leave or leave used in lieu of sick leave.

### Use and Accrual of Compensatory Time or Overtime

1. Compensatory time is earned on an hour-for-hour basis for hours in an active pay status more than one hundred and six (106) hours worked in a pay period and is earned in one-tenth of one hour increments.
2. No compensatory time can accrue nor may overtime be earned during an employee's lunch hour or for work completed at home.
3. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually-convenient time. Compensatory time may be used in intervals of one-tenth of one hour.
4. Compensatory time use must be documented on a leave form signed by the employee and the employee's supervisor prior to leave being taken.
5. The maximum amount of compensatory time which an employee may accrue is 480 hours. Any compensatory time earned must be used within 365 days after it is earned.
6. Cash payment for earned compensatory time is not permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be forfeited upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. Compensatory time earned in another state department or agency is not transferable

D. Overtime Eligible Employees – Captains ONLY

Work Schedules

1. A supervisor when not prohibited by operational needs shall approve a 104 hour work period schedule for Captains. A Captain who is required by an administrative supervisor to be in an active pay status for more than 106 hours in any pay period may accrue compensatory time or earn overtime.
2. Pursuant to section 123:1-47-01(A)(2) of the Administrative Code, "active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining the amount of compensatory time or overtime, active pay status does not include sick leave or leave used in lieu of sick leave.

Use and Accrual of Compensatory Time or Overtime

1. Compensatory time is earned on a one and one-half (1 ½) basis for hours in an active pay status when more than one hundred sixty (160) hours are worked in any pay period. Such compensatory time is accrued in one-tenth of one hour increments.
2. Overtime shall be compensated at the rate of one and one-half (1 ½) times the employee's total rate of pay for each hour worked in an active pay status more than one hundred sixty (160) hours in any pay period.
3. No compensatory time can accrue nor may overtime be earned during an employee's lunch hour or for work completed at home.
4. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually-convenient time. Compensatory time may be used in intervals of one-tenth of one hour.
5. Compensatory time use must be documented on a leave form signed by the employee and the employee's supervisor prior to leave being taken.
6. The maximum amount of compensatory time which an employee may accrue is 480 hours. Any compensatory time accrued must be used within 365 days of being earned.
7. Cash payment for earned compensatory time is permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be paid upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. Compensatory time earned in another state department or agency is not transferable.