

DEPARTMENT POLICY

POLICY # 312	SUBJECT: Managing Overtime
EFFECTIVE DATE: July 1, 2012	PAGE 1 of 3
AUTHORIZED SIGNATURE:	

MANAGING OVERTIME

I. PURPOSE

The purpose of this policy is to establish a standard practice within the Department of Services for Children, Youth and Their Families that is in compliance with the Fair Labor Standards Act, as well as to establish reasonable limitations on mandatory and voluntary overtime. The primary goal is to reduce overtime without compromising client care. These procedures shall conform to the State's Compensatory Time Policy, Alternative Work Schedule Policy, the State's Merit Rules and applicable federal and state laws.

II. POLICY

The Department is obligated to provide continuous coverage and staffing in response to changing populations, client needs and staffing needs. The Department has the authority to determine when overtime work is needed. It is the policy of the Department of Services for Children, Youth and Their Families to avoid overtime work whenever possible. When overtime is necessary, it shall be kept to a minimum consistent with good personnel and program management. Each Division will be held accountable for carrying out this policy. The administration of this policy will not conflict with collective bargaining agreement provisions.

III. RESPONSIBILITIES

1. Division Directors

- a) Ensure ongoing monitoring of overtime usage within their respective Division.
- b) Hold Facility/Section Heads accountable for unnecessary overtime usage within their assigned area.

2. Facility Heads/IPU Managers/Section Heads

- a) Ensure that staff responsible for developing schedules and/or making decisions regarding overtime are properly trained in scheduling and managing resources.
- b) Establish and change work schedules based on business needs.
- c) Authorize overtime as appropriate for business needs.

- d) Post in a prominent location within the facility/unit the previous month's overtime accumulation for all employees within the facility/unit by the 7th calendar day of the following month.
 - e) Track and report reasons for overtime usage monthly (paid and compensatory time) to their Division Director or designee and the Human Resource Manager. The report shall include the number of compensatory time hours and overtime hours earned by employee.
 - f) The following constitutes examples of how each Facility/Section Head is responsible for minimizing the need for overtime.
 - 1) Overtime must be approved in advance by authorized personnel.
 - 2) When cost effective and practical, managers will arrange relief for personnel finishing a shift by using staff from the next shift.
 - 3) Training, special assignments, meetings, etc. will be planned in a manner which minimizes overtime.
 - 4) Use of accrued vacation, compensatory time, holiday credit, etc., will be scheduled far enough in advance to allow scheduling changes necessary to minimize overtime.
 - 5) As otherwise consistent with departmental policy and collective bargaining agreements, flex employees hours, where feasible.
3. **Human Resource Manager**
- a) Review monthly tracking reports to determine trends and work with Division Directors regarding staffing and/or hiring needs (need for more casual/seasonal; reallocate shift assignments, etc.).
 - b) Review monthly tracking reports for disproportionate assignment of overtime (paid and compensatory time) that could result in exceptional inflation of the employee's final pension calculations.
4. **Employees**
- a) Accurately document/record hours worked.
 - b) Report to work timely.
 - c) Provide sufficient notice of unscheduled absences.

IV. PROCEDURES

1. The standard work week shall be Sunday through Saturday.
2. Employees in a classification covered by the Fair Labor Standards Act (FLSA) who are authorized and required to perform overtime services may be compensated in cash or compensatory time in accordance with the rules governing overtime.
3. Employees in a classification exempted by the FLSA who are authorized and required to perform overtime services may be compensated with equal time off (compensatory time) in accordance with the State's Merit Rules and applicable federal and state laws governing overtime.

4. Employees in a classification covered by the FLSA will receive callback pay when, after leaving a scheduled work shift, the employee is authorized and required to return to the workplace outside of the employee's normal work schedule. Callback pay is not provided when extra work is scheduled in advance or when employees are asked to extend their regular work shifts (either to stay past the end of the shift or to report to work early).
5. Authorization for overtime is given by Facility/Section Heads or their designated representatives on the determination of need, work load, emergencies or other demands that require work by employees with specific skills, training or experience. Overtime work should be assigned to provide for fair and even distribution of overtime work among staff members whose job classifications are appropriate to the required work. Casual/seasonal staff shall be utilized to fill voids created by planned absences (staff absences, vacancies, etc.) whenever practicable. In the interest of safety and security of the staff and the clients we serve, the following limitations shall apply:
 - a) No employee may work more than 2 consecutive shifts in a 24 hour period.
 - b) No employee may work more than 9 overtime shifts per pay period (67.5 hours) except during emergency situations approved by the Cabinet Secretary or Division Director.
6. An employee's request for overtime may be denied for any of the reasons listed below:
 - a) The employee has exceeded the allowable overtime hours per week.
 - b) For work performance reasons such as, current attendance reliability plan, documented performance problems, or training.
 - c) A review reveals that the time could result in exceptional inflation of the employee's final pension calculations.
7. An employee who is called for overtime service on their scheduled day off may be offered an alternative day off during the same week.
8. The employer may, on a day-to-day basis, assign employees to a different duty assignment due to staff shortages or population increases/decreases providing such assignments are done using inverse seniority.

V. EFFECTIVE DATE

1. This policy is effective upon the date of signature.
2. If this policy conflicts with Federal and State laws, rules or regulations, including the State of Delaware Merit System Rules, the Federal and State laws and/or Merit Rules shall govern.