

Georgia Department of Public Safety

Policy Manual

SUBJECT WORK HOURS AND OVERTIME	POLICY NUMBER 5.13
DISTRIBUTION ALL EMPLOYEES	DATE REVISED 8/31/2010

5.13.1 Purpose

To establish policy and procedures for work hours and overtime accrual and payments, and the granting of compensatory time in compliance with the provisions of the federal Fair Labor Standards Act (FLSA) of 1938 as amended, Office of Planning and Budget (OPB) guidelines, and the State Personnel Board Rules, and to provide for the record keeping of FLSA information.

5.13.2 Policy

A. Work Hours

1. Regular office hours for Georgia Department of Public Safety (DPS) Administration are established as 8:00 A.M. to 4:30 P.M. Division Directors/Unit Supervisors will ensure that a sufficient number of personnel are available during these hours to fulfill the operational and administrative needs of the agency and its customers.
2. The regular business workweek for regular business hours is established as Monday through Friday, excluding official state holidays. However, certain units in each division are required to operate 24 hours a day, 7 days a week. Division Directors/Unit Supervisors will designate the regular business week for any work unit or individual employee that does not conform to the business week established above.
3. Each Division Director shall determine the necessity for a work unit or an individual employee to work a schedule other than the regular office hours and regular business week designated above.
4. Assignment to a work schedule other than regular office hours and the regular business week is based upon the needs of the department. Division Directors or his designees may discontinue a special schedule when in the best interest of the agency.
5. All employees may be required to work overtime upon the direction of their immediate supervisor.
6. All employees shall receive compensation (monetary or compensatory time, as provided for in this policy) for hours worked.

B. FLSA

1. The Department will comply with FLSA, which establishes the requirements for overtime provisions and eligibility criteria.
2. FLSA Categories of employees:

- a. Employees who are covered by the Wage and Hour provisions of FLSA are considered FLSA non-exempt employees.
- b. FLSA exempt employees are not covered by the provisions of FLSA because their work assignments fall into one of the following categories:
 - 1) Executive
 - 2) Professional
 - 3) Administrative
3. The Human Resources Division, based on criteria established by FLSA, makes designations of exempt or non-exempt status. Such designations are made on an individual basis and are based on the actual work responsibilities assigned to each employee.
4. Non-exempt employees shall be provided a statement of understanding that FLSA compensatory time shall be used to compensate employees when overtime is accrued. The maximum accrual of FLSA compensatory time shall be 240 hours for non-sworn members and 480 hours for sworn members. Employees who accumulate FLSA hours over the maximum accrual shall be financially compensated for such hours.
5. Under the FLSA, non-exempt employees, who are sworn members of law enforcement services, are permitted extended work periods for the calculation of overtime payments.
6. Employees who separate from the department shall be paid for accumulated FLSA hours.

5.13.3 Definitions

- A. Work Period
 1. Non – Sworn members - is determined to be a work period covering a seven day time period.
 2. Sworn members - is determined to be a fixed 28 day period of time.
 3. Sworn members detached to a federal agency – is determined to be the work period utilized by the federal agency during the time of detachment.
- B. Meal Periods - are provided to employees unless there are specific work-related reasons for not allowing meal periods. Meal periods are not included in the hours used to calculate FLSA. Meal periods for sworn and uniform members are considered work time.
- C. Increments - for the purpose of calculating overtime hours, are measured in 15-minute increments. Eight to 15 minutes of work is considered one-quarter hour, while less than eight minutes of work is insignificant. Time worked is to be similarly measured throughout the hour.
- D. Actual work hours - are those hours on duty and does not include any non-work hours such as leave or holiday time. Any absence during the employee's assigned work hours must be accounted for under attendance or leave.

- E. Standard Work Hours - work hours and paid leave time that satisfies the salary assigned to the position. The standard work hours for non-sworn personnel will be 40 hours per week, and the standard work hours for sworn members will be (unless otherwise defined in this policy) 160 hours for a 28-day work period. In the event of a furlough, standard work hours for all affected employees shall be defined by the Department's approved furlough plan.
- F. Required Hours - are those hours necessary to satisfy the provisions for overtime compensation/pay as outline in the Fair Labor Standards Act (FLSA). For civilian employees the requirement is 40 actual work hours in a 7 day work period; and for sworn members (unless otherwise defined in this policy) it is 171 actual hours in a 28 day work period.
- G. Paid Leave time - includes holiday, annual, sick, personal and compensatory leave, and is not included when calculating the total number of work hours to determine FLSA overtime.
- H. Discretionary time (work time adjustments) - is administered by a work unit supervisor to ensure that an employee does not exceed the maximum number of FLSA work hours allowed for the job classification or to control the accumulation of compensatory time or paid overtime.
- I. State/Georgia Compensatory Time – is compensatory time allowed by the state for circumstances not covered by FLSA.
- J. FLSA Time - is time generally earned when non-exempt employees actually work more than the required hours during an FLSA work period according to the provisions of the Fair Labor Standards Act. Any time worked over the required hours established by FLSA provisions (40/171) shall be compensated at one and one half the hourly rate or one and one half the hour worked.
- K. Alternative Work Schedules - are work periods established which provide a variation of hours during a workweek.
- L. Restoration of Leave – is the process utilized to provide sworn members with the maximum ability to maintain leave in lieu of accumulation of Georgia Compensatory time. When sworn employees are required to exceed 160 hours in a 28-day work period in which they have taken approved paid leave, the leave shall be restored by the number of leave hours taken by which the 160 hours minimum requirement is exceeded.

5.13.4 Compensatory Time

FLSA Compensatory time and Georgia Compensatory Time will be granted to employees who work over the specified hours in a work period when such excess hours are not otherwise compensated for through paid overtime.

FLSA Compensatory Time - FLSA Compensatory time is calculated using actual work time and does not include on-call time, military or administrative leave, jury duty or paid leave (annual, personal, sick, or holiday leave). Whenever a non-exempt employee works over the required FLSA hours (40/171), the employee will accrue time at 1 ½ hour for each hour worked above the required hours.

- A. FLSA compensatory time is not granted to non-exempt employees who may have been in pay status for more than the 40/171 hours during a work period due to a holiday or use of accrued leave, but who did not actually work more than 40/171 hours.
- B. The following guidelines apply to compensatory time earned under FLSA provisions:

- a. Time worked includes all time non-exempt employees are required to be on duty at prescribed work places, and all time during which non-exempt employees are required or permitted to work.
- b. Holiday time does not count toward overtime. A holiday is defined in the Leave Policy #5.09.
- c. Meal times are not counted toward overtime. Meal times are discussed in the Post Operations Policy #17.08.
- d. Non-exempt employees must be compensated for all time which supervisors know or have reason to know that work is being performed.
- e. Supervisors are not to ignore agency work that non-exempt employees do on their own time. Non-exempt employees are required to report all time worked.
- f. Non-exempt employees who work without authorization or notification of the time worked may be subject to disciplinary action, up to and including separation.
- g. Non-exempt employees will not work more than the required 40/171 hours in a work period unless authorized by the immediate supervisor. In exigent circumstances, failure to obtain such authorization may be permitted, however the employee who works the additional hours must be prepared to justify his actions.
- h. FLSA compensatory time shall be measured in 15-minute increments.
- i. Sworn non-exempt employees may not accumulate more than 480 hours of FLSA compensatory time.
- j. Non-sworn, non-exempt employees may not accumulate more than 240 hours of FLSA compensatory time.
- k. A Division Director, Adjutant or any other supervisor may require an employee to take accrued FLSA compensatory time instead of annual or sick leave, except when taken in conjunction with the Family and Medical Leave Act. Further, to reduce the amount of accrued FLSA compensatory time, a Division Director, Adjutant or any other supervisor may require an employee to use FLSA compensatory time at any time.
- l. Upon termination of employment, retirement, or transfer to another agency, employees shall be paid for all unused accrued FLSA compensatory time. FLSA compensatory time cannot be transferred between State agencies.
- m. Even after accrual of the 240/480 hours of FLSA compensatory time, employees may still be required to work additional hours as operationally required by their supervisor. Such additional work hours shall be compensated for by payment at the overtime rate.

5.13.5 State Compensatory Time

Georgia State Compensatory time is calculated using actual work hours and paid leave. Whenever an employee (exempt or non-exempt) has paid leave and work hours in excess of the standard work hours (40/160), the employee will accrue time on an hour for hour basis for those hours up to the FLSA threshold.

Sworn members will have leave restored prior to the accumulation of Georgia compensatory time. Non-exempt sworn members will be subject to the FLSA provision for actual hours in excess of 171 work hours.

- A. The following guidelines apply to compensatory time earned under State Compensatory Time provisions:
1. State Compensatory Time shall be awarded at the rate of one-hour for each hour of overtime worked and should be measured in 15-minute increments.
 2. An employee may not accumulate more than 240 hours of State Compensatory Time and must utilize all accumulated compensatory time within one year of the date that it is earned.
 3. All State Compensatory Time not taken within one year of the date earned shall be forfeited.
 4. Even after accumulating the maximum 240 hours of State Compensatory Time, employees may be required to continue to work longer than normally assigned hours as operationally required by their supervisors. Such additional work hours shall be compensated for by payment at the straight time rate.
 5. Employees may be required to take Georgia compensatory time instead of other types of paid leave, except when taken in conjunction with the Family and Medical Leave Act.
 6. Upon termination, retirement or transfer to another state agency, employees shall not be compensated for any State Compensatory Time not used.
 7. Employees may be required to take State Compensatory leave in lieu of other types of paid leave.

5.13.6 Alternative Work Hours

- A. Division Directors may establish alternative work schedules for individual employees.
1. Provisions for adequate supervision of FLSA non-exempt employees working alternative work schedules shall be made. Written records of work time for FLSA non-exempt employees shall be maintained.
 - a. Staggered Reporting Time - Employees within an organizational unit may be scheduled to report for work at specified intervals (e.g., 7:30 a.m., 8:00 a.m., 8:45 a.m., etc.).
 - b. Daily Flex - Employees may be permitted to report for work at varying times, but shall be scheduled for duty during the hours that will be beneficial to the agency.
 - c. 9-Hour Day - This plan covers a two-week period. Employees may be permitted to work four 9-hour days and one 8-hour day with one-week day off every other week. This schedule requires that the FLSA 7-day work period always begin in the middle of the 8-hour day.
 - d. 10-Hour Day - Employees may be permitted to work four 10-hour days.

- B. Employees who work 9-hour day or 10-hour day schedules must request leave, leave without pay or work an adjusted schedule to make up the difference in time scheduled for the 8-hour holiday.
- C. Participation in an alternative work schedule is a privilege, not a right, and may be changed at the supervisor's discretion.

5.13.7 Overtime Procedures - General

A. Non-Exempt

1. Non-Sworn Non-Exempt Employees

- a. FLSA compensation for actual work time in excess of 40 hours in any seven-day work period will be calculated at the rate of 1.5 hours per hour worked in excess of 40 hours.
- b. Non-sworn employees must achieve a minimum of 40 work/paid leave hours in each seven-day work period. The required hours can be a combination of work and/or paid leave.
- c. The work period for employees in this classification is established as 12:00 A.M. Sunday through 11:59 P.M. Saturday.
- d. All non-sworn non-exempt employees shall utilize department approved method for recording and maintaining their work hours and paid leave hours.
- e. Non-sworn non-exempt employees who work over 40 hours in a seven day work period shall receive either overtime payment or accrue compensatory time at a rate of 1.5 hours for each overtime hour worked.
- f. All non-sworn non-exempt employees shall submit work records to their immediate supervisor for review at the end of each workweek. It is the supervisor's responsibility to assure all totals are accurate and to make any necessary changes. If compensatory time was accrued, the total number of hours shall be reported to the Human Resources Division.

2. Sworn Non-Exempt Employees

- a. Sworn employees have specific 28-day work periods as outlined by the Post Operations Policy #17.08. Sworn employees must achieve the minimum work/paid leave hours (160 hours) in each 28-day period. The work period for sworn employees begins at 0001 on the first Monday of each 28-day period and ends at 2400 on the final Sunday.
- b. All hours that are worked during a shift that extends beyond 2400 hours shall be reported on the day on which the greatest number of hours was worked during the shift.
- c. Sworn employees' number of regular days off is computed as two days off per week, 104 days per year, and 12 paid holidays. The year, January through December, is divided into thirteen periods of 28 days each.
- d. Sworn employees must work a minimum of 171 work hours in a 28-day work period before FLSA compensatory time or overtime payments are accrued. Only actual

work hours (not inclusive of paid leave) shall be counted toward the minimum of 171 hours.

- e. Sworn employees may be required to work in excess of 171 hours in a 28-day work period as dictated by operational needs; however, non-exempt employees must receive approval from their immediate supervisor. In exigent circumstances, failure to obtain such authorization may be permitted, however the employee who works the additional hours must be prepared to justify his actions.
- f. Each of the 28-day periods shall contain a total of 160 hours in pay status inclusive of work hours, paid leave time and holiday time.
- g. Compensatory Time for actual work time in excess of 160 hours but less than 171 hours in a 28-day work period will be calculated at the rate of one hour per hour worked. State Compensatory Time guidelines apply to this compensatory time.
- h. After leave restoration, if the employee has more than 160 hours in the 28 day period inclusive of paid leave and work hours, the time in excess of 160, but less than 171 actual work hours, will be Georgia Compensatory time.
- i. Compensatory Time for actual work hours in excess of 171 hours in a 28-day work period shall be calculated at the rate of 1.5 hours per hour worked in excess of 171 hours. FLSA Compensatory Time guidelines shall apply to this compensatory time.
- j. Anytime the work hours are less than the established 160 hours in the pay period, the employee shall make up the difference in some form of leave or compensatory time or may be placed on leave without pay.
- k. The 160 hours is inclusive of proclaimed holidays. Sworn members as a condition of employment may be required to work on holidays. Holiday leave shall be accumulated and as allowed by policy shall be requested within 120 days.
- l. Holiday time shall be taken before annual, personal and use of compensatory time is granted.

B. Exempt Employees

- 1. Exempt employee compensatory records shall be maintained by the Human Resources Division.
- 2. Non-Sworn exempt employees generally do not complete time sheets to record work time. Since exempt employees are paid on a salary basis, time sheets should not be kept unless they are required in order to comply with programmatic certification requirements.
- 3. Exempt employees may receive Georgia Compensatory Time at a rate of one hour for each hour of overtime worked.
 - a. Non-Sworn exempt employees shall receive Georgia Compensatory time when the combination of actual work hours and paid leave hours exceeds 40 hours in any seven-day work period. The time shall be calculated at the rate of one hour per hour in excess of 40 hours.
 - b. Sworn Exempt Employees shall receive Georgia Compensatory time when the combination of actual work hours and paid leave hours exceeds 160 hours in any

28-day work period. The time shall be calculated at the rate of one hour per hour worked in excess of 160 hours.

4. State Compensatory Time guidelines apply to this compensatory time.

5.13.8 Work Period Report

- A. Sworn employees shall utilize a method approved by the Human Resources Division for recording and maintaining a record of work hours and paid leave hours as specified by policy.
- B. Non-exempt employees, who achieve the required hours in their work period inclusive of all eligible hours, may be placed on discretionary leave by their supervisor to control the accumulation of compensatory time or paid overtime.
- C. Supervisors shall use the combined total of actual work hours in the work period plus all paid leave and holiday hours when calculating which sworn personnel have achieved the standard work hours for in a 28-day work period.
- D. Leave Restoration/Adjustments
 1. When sworn employees are required to exceed 160 hours in a 28-day work period in which they have taken approved paid leave, the leave shall be restored by the number of hours by which 160 hours is exceeded.
 2. Leave restoration shall be calculated by subtracting the minimum number of standard work hours (160) from the combined total of work hours plus all paid leave and holiday hours.
 3. The number of hours restored cannot exceed the number of leave hours that were actually taken.
 4. The Human Resources Division shall enter restored leave calculations from the information received from the individual work units.
- E. Court
 1. Members who are required to attend court for matters arising from their assigned duties shall carry all time as on-duty hours.
 2. Hours expended while in court and travel to and from court shall be reported on the form used to report all other work hours. In addition, troopers shall include these hours on the DPS-612 as "Court Hours".
 3. The in territory provision applies when determining when a member is on duty for court time.
 4. No witness fee shall be accepted for such attendance in court.

5.13.9 Travel

- A. Regular Duty Hours
 1. Non-sworn

- a. On a regular workday, travel time to and from an employee's residence to an assigned office, designated routine work site or county assignment shall not be calculated as time worked.
- b. All other associated travel during the employee's regular workday shall be calculated as work time.
- c. Exempt employees are not entitled to any FLSA compensation for travel time either outside of, or in addition to, their normal hours of work.
- d. Exempt employees may be allowed reasonable travel time if determined appropriate by supervisors. If the travel hours allowed and work/leave hours total more than the hours in a standard work period (40/160), work period adjustments, or accumulation of Georgia Compensatory Time will occur. The supervisor will have discretion in making this determination.

2. Sworn

Troopers/Officers are assigned take home vehicles and are expected to patrol while operating those vehicles. See the Resident Patrolling Procedures in the Post Operations Policy #17.08.

B. Return to Duty

If an employee is required to return to duty after returning home at the conclusion of the regular business day, all travel time associated with returning to duty will be calculated as work time.

C. Detached Duty

When an employee is placed on detached duty, any travel time increase to and from the employee's residence to the detached work site beyond that normally expended by the employee in reporting to and returning from his assigned office or routine duty assignment shall be calculated as work time.

D. Training

1. Employees who reside farther than 50 miles from a training site are provided lodging at State expense. Those employees should carry the time of travel to the training site and to return to their residence following the last day of class as work hours. Employees who are not entitled to lodging may carry their travel time each day. This time is in addition to the actual classroom time.
2. Time spent by employees attending meetings, training and similar activities must be counted as time worked, unless certain criteria identified in the FLSA is met.

E. Special Details

The time required to travel to and from the location shall be carried as work time. When employees are required to stay overnight and be available for call back they shall carry sixteen hours per day on the detail, or the actual number of hours worked if in excess of sixteen hours.

F. GSP Premises

Non-exempt employees who voluntarily stay on GSP premises are not considered to be working all of the time they are on the premises for purposes of FLSA compensation.

G. Procedures for Approving Taking of Leave

1. Compensatory leave shall be taken in accordance with the provisions of the Leave Policy #5.09.
2. Georgia Compensatory Time shall be charged before the use of accrued annual and sick leave usage.

5.13.10 Management of Hours

- A. Supervisors are responsible for monitoring arrival and departure times of all employees to ensure accurate records are maintained, and to minimize overtime and accumulation of arbitrary compensatory time.
- B. Non-exempt, non-sworn employees are not allowed to occupy their workstations before their scheduled workday begins, during meal periods, and after their workday ends.
- C. Non-exempt employees are required to accurately sign in and out (recording time to the exact minute) when they arrive and leave their work areas. Non-exempt employees who fail to correctly record actual work time are subject to disciplinary action up to and including separation. Entries made on the Post Communications Log shall meet the requirements of this paragraph.
- D. Time worked by non-exempt employees should be reviewed prior to the end of the work period (when possible) to determine if overtime may occur. Non-exempt employees' work schedules may be adjusted to prevent overtime work.
- E. Non-exempt employees must generally receive prior approval to work overtime. In unique or emergency situations, prior approval may not always be possible. Overtime worked in these instances must be reported to the supervisor as soon as possible. Non-exempt employees may be required to explain why overtime was necessary and why pre-approval was not possible.
- F. Whether authorized or not, all overtime work shall be accurately and promptly recorded.
- G. Overtime may be granted for emergencies, unanticipated assignments or for special projects, which cannot be completed during normal work hours. Overtime should not generally be granted for non-exempt employees when work should be completed during the workday. Supervisors should closely monitor all overtime worked in these instances.
- H. A method for monitoring all overtime worked shall be put in place in every organizational unit.
- I. Record Keeping
 1. Supervisors are responsible for maintaining accurate records of leave accumulated and taken for each employee.
 2. Records of FLSA and State Compensatory Time earned and taken for non-exempt employees shall be documented using a leave reporting process authorized by the Human Resources Division.

3. Work unit supervisors shall maintain the record of compensatory time earned for all their employees. Employees may keep copies for their own records.
4. The work unit supervisor shall review earned FLSA Compensatory Time (non-exempt employees) for accuracy and if approved, shall make a record of the amount of time earned and submit it to the Human Resources Division. If an employee uses compensatory time during the work period, such usage shall be reported through the approved process.
5. The Human Resources Division shall keep a total of the number of hours of FLSA and Georgia Compensatory time accrued by non-exempt employees based on information provided by the supervisors.

J. Records Retention

1. Employee time records shall be maintained at the unit level for three years, including the current year.
2. All employee time records documenting accrual of FLSA and State Compensatory Time shall be maintained for at least four years at Headquarters.

K. Grant Overtime Program Procedures

Grant overtime refers to time worked beyond the 160 hours in a 28 day period for sworn personnel or 40 hours for civilian personnel in a 7 day period in which "grant" funds from an outside funding source other than the Department of Public Safety's state appropriated funds are available to reimburse the Department for the additional compensated hours.

1. For Sworn Members:
 - a. The first hour and subsequent hours over 160 hours, but less than or equal to 171 hours in the 28 day period shall be compensated hour for hour in lieu of earned State Compensatory Time provided that grant funds are available and the additional hours that qualify for overtime are for grant eligible activities.
 - b. The first hour exceeding 171 and subsequent hours shall be compensated at an hour and a half for each hour worked for non-exempt sworn personnel in lieu of accrued FLSA Compensatory Time and on an hour for hour basis for exempt sworn personnel in lieu of earned State Compensatory Time provided that grant funds are available and the additional hours that qualify for overtime are for grant eligible activities.
2. For Civilian Exempt Employees:
 - a. The first hour and subsequent hours over 40 hours in a 7 day period shall be compensated hour for hour in lieu of earned State Compensatory Time provided that grant funds are available and the additional hours that qualify for overtime are for grant eligible activities.
3. For Civilian Non-Exempt Employees:
 - a. The first hour and subsequent hours over 40 hours in a 7 day period shall be compensated an hour and a half for each hour worked in lieu of earned FLSA Compensatory Time provided that grant funds are available and the additional hours that qualify for overtime are for grant eligible activities.

1. The following provisions (a-j) are only applicable to grants in which a schedule can be determined in advance of the 28 day or 7 day work period. (for example the following provisions shall not limit the Criminal Interdiction Unit (CIU) as the overtime occurs sporadically as HIDTA, DEA or other law enforcement entities request assistance.) Additionally, these provisions will not apply to potential state and/or federally declared disasters as the hours are not scheduled in advance, but occur in response to an emergency situation.
 - a. The total of regular duty and extra duty hours may not exceed 64 per week (Monday – Sunday).
 - b. Troopers/Officers may work up to eight hours while on pass, annual leave, personal leave, or compensatory leave. Under no circumstances will a Trooper/Officer be allowed to work such programs while on sick leave or administrative leave. No Trooper/Officer within a Post/Unit shall be permitted to work grant overtime if the Post/Unit complement for the day is below that specified in Policy Statement #5.09 Leave, paragraph 5.09, A, 2, d.
 - c. Troopers/Officers may work up to four hours either before or after a full regularly scheduled shift.
 - d. Troopers/Officers may work a maximum of 32 hours of grant overtime in any 28-day period.
 - e. There must be a minimum of six hours off between regularly scheduled shifts, including extra duty hours.
 - f. All extra duty must be approved, in advance, by the Troop/Section Coordinator, or his designee. Available grant overtime hours shall be allocated to Troops A-I. Specialist supervisors shall contact the Troop Coordinators to provide opportunities for specialists to work these programs.
 - g. Extra duty may be worked during designated periods only.
 - h. All extra duty must be scheduled by the designated Troop Coordinator, or his designee.
 - i. Announcements will be made regarding the times and location of grant overtime details involving Troopers/Officers assigned to more than one Post/Unit.
 - j. Troopers/Officers will not be paid for travel time to and from a grant overtime detail.
2. Troopers/Officers must have a minimum of 160 actual work hours and/or paid leave during the 28-day period before overtime can be paid. This is a regular 28-day period with eight pass days. Annual leave, sick leave, compensatory leave and holiday leave hours are counted toward the 160 hour minimum.
3. All hours worked on grant overtime programs shall be reported on the DPS-617 in the area provided in accordance with established procedures. Activity and Grant Overtime Hours shall be reported on the form provided for each grant overtime program.
4. All overtime hours must be approved for payment by the Human Resources Director or designee and the Comptroller or designee, prior to payment being issued by payroll.