

Overtime-Eligible Employees

OVERVIEW

Employees in certain administrative professional (AP), civil service, and collective bargaining unit positions are eligible for overtime compensation. Human Resource Services (HRS) determines the eligibility of positions for overtime compensation. Such determinations are based upon position reviews using Fair Labor Standards Act (FLSA) criteria, including applicable provisions of the *Washington Administrative Code (WAC 357-28)*.

Applicability

The procedures and advisory guidelines referred to in this section apply to overtime-eligible AP employees and civil service employees who are not covered by collective bargaining unit agreements. Contact HRS for questions regarding overtime eligibility.

An employee who is covered by a collective bargaining unit agreement is to refer to the applicable agreement for overtime rules and procedures.

Authorization

Typically, an employee must receive approval from their supervisor prior to working any hours beyond their standard workweek. An overtime-eligible employee is to follow the procedures outlined by their department administrators. An overtime-eligible employee is to be compensated for all hours worked. If an employee works unauthorized overtime, corrective or disciplinary action may be appropriate. Contact HRS for assistance.

OVERTIME SUMMARY

Administrative Professional (AP) Employees

For overtime-eligible AP employees, overtime compensation is based upon a 40-hour workweek. Work in excess of 40 hours in one workweek is compensated at time and one-half.

Holidays / Leave With Pay

All paid holidays (including the personal holiday) during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is not considered time worked for purposes of determining overtime eligibility.

Civil Service Employees

For most overtime-eligible civil service employees, overtime compensation is based upon hours of work in excess of 40 hours in one workweek, in accordance with *WAC 357-28-255*. All paid holidays (including the personal holiday) during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is not considered time worked for purposes of determining overtime eligibility.

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Civil Service Employees (cont.)

A full-time overtime eligible civil service employee who is assigned by their employer to work on a scheduled day off receives time and one-half overtime compensation for hours worked.

Work in excess of 40 hours in one workweek is compensated at time and one-half. (*WAC 357-28-260*)

OVERTIME COMPENSATION

Overtime-eligible employees receive cash payments for overtime. However, at the employee's request, an employing official may approve compensatory time off in lieu of pay. (*WAC 357-28-275*)

Overtime pay and compensatory time may be paid or granted when an employee's total time worked exceeds 40 hours in a workweek. Overtime compensation is not granted or paid for work that exceeds the employee's regular work day but does not cause the total hours worked in the workweek to exceed 40 hours.

EXCEPTION: Overtime compensation is granted or paid to full-time overtime eligible civil service employees who are assigned to work on scheduled days off and paid holidays, regardless of whether or not the total hours worked in the workweek exceeds 40 hours.

Overtime compensation includes shift differentials, hazardous conditions pay, and other pay in accordance with the Fair Labor Standards Act.

The employee indicates the hours worked on their Time Entry Calendar in Workday.

Part-Time

For overtime-eligible part-time employees, work in excess of the regular part-time schedule up to 40 hours in one workweek is compensated as *straight time* and may *not* be accrued as compensatory time.

Time worked in excess of 40 hours in a workweek is compensated at time and one-half and may be approved for compensatory time.

Maximum Accumulation

The accumulation of unused compensatory time at WSU may not exceed 240 hours. Any additional overtime must be paid in cash. (*WAC 357-28-285*) Appointing authorities may establish compensatory time maximums of less than 240 hours.

Cash Out

Unused compensatory time must be paid in cash at the end of each biennium.

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Exceptions

An appointing authority may authorize exceptions to the above end-of-biennium cash out requirement. The appointing authority indicates a specific date by which the compensatory time must be liquidated by the individual requesting the exception. This date must be within four months of the end of the biennium. The appointing authority documents the exception in writing.

If the individual does not use the compensatory time by the end of the extension, the compensatory time so extended must be paid in cash within thirty days of the end of the extended period.

Additional Cash Out Periods

Appointing authorities may establish additional times during the biennium by which compensatory time must be paid.

HOLIDAY WORKED

Overtime-Eligible Civil Service Employees

Full-time overtime-eligible civil service employees receive eight hours of pay, plus premium pay at time and one-half for all hours worked on a WSU-designated holiday. (*WAC 357-28-200*)

A part-time employee receives regular holiday pay on the same pro rata basis that their monthly schedule bears to a full-time schedule, plus premium pay at time and one-half for all hours worked on a WSU-designated holiday.

Overtime-Eligible AP Employees

A full-time overtime-eligible AP employee who works on a WSU-designated holiday may request to take the holiday at a later date.

An AP employee who does not choose to take the holiday at a later date may receive premium pay at time and one-half for holiday hours worked if the hours worked are in excess of 40 hours in the same workweek. The employee receives straight time pay for holiday hours worked which are not in excess of 40 hours in the workweek.

COMPENSATORY TIME OFF

If a prior agreement is made between the supervisor and the employee, compensatory time off may be taken in lieu of monetary payment.

The employing official administers the accrual and use of compensatory time off taking into consideration the work requirements of the department and the wishes of the employee.

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COMPENSATORY TIME OFF (cont.)

Accrual of compensatory time off is based on an agreement between the supervisor and the employee prior to the performance of overtime work. Upon request, HRS provides assistance with preparing written agreements of understanding.

Compensatory time off may be granted only when the employee has worked in excess of 40 hours in a workweek.

The employing official should contact HRS prior to denying the use of compensatory time off.

MEAL AND REST BREAKS

An overtime-eligible employee receives a minimum of a 30-minute unpaid meal break toward the middle of each work shift, no more than five hours after the beginning of the shift.

The meal period may not be required if the employee signs a written agreement with the department manager or director to voluntarily waive the meal period on a regular basis. In consideration for the ability to work a *straight shift*, the employee agrees to waive a meal period as defined in *WAC 296-126-092*. (A *straight shift* is defined as a work period without interruptions for meal breaks.) Under such an agreement, the employee is entitled to eat at any time during their shift as time and work duties permit. The employee is not entitled to relief from duty while they eat.

An overtime-eligible employee receives a 15-minute paid rest period for every four hours worked. An appropriate rest period provides a relief from duty and is uninterrupted. While taking a rest period, the employee is subject to call to return to work as needed by the employer.

An overtime-eligible employee may take their rest period on an intermittent basis. An intermittent rest period is a period of less than the full 15-minute rest period in which the employee has an opportunity to rest or relax during the performance of their duties. The employee may take as many intermittent rest periods as necessary to total the allowed 15-minute rest period. When the employee's rest period is interrupted, the employee's rest period is deemed to be an intermittent rest period. The employee is allowed to complete their rest period prior to the end of the four-hour period in which the rest period occurs by taking additional intermittent rest periods. The employee may not waive rest periods or combine rest periods at the end of a shift.

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**MEAL AND REST
BREAKS (cont.)**

For more information contact HRS; telephone 509-335-4521. Also refer to *RCW* 49.12, which allows employees and employers to mutually agree to vary rules and policies adopted by the Department of Labor and Industries in *WAC* 296-126-092 under the Industrial Welfare Act.

INFORMATION

Upon request, HRS provides specific information regarding compensatory time or payment for overtime worked.