



Division Guideline # 60

Date: Created 9/2/16

Title: Overtime Policy

Application: Applies to Department of Mental Health, Division of DD, DD Regional Offices, Habilitation Centers and State Operated Waiver Programs

Purpose: To clarify overtime policy for Division staff

Hours of Work: The appointing authority for each agency (typically the Division Director, Regional Director, Superintendent, or their designee) shall establish the working days and hours of attendance for their employees. A full-time employee will normally work forty (40) hours within a fixed and regularly recurring seven-day period.

Overtime Compensation: The appointing authority may require employees to perform reasonable amounts of overtime work as may be required to fulfill the responsibilities of the agency. Overtime work is compensated in accordance with leave rules and applicable state and federal statutes. The State developed three overtime pay category codes:

Code 0 Employees: Exempt from Fair Labor Standards Act (FLSA): top level supervisory, managerial and administrative staff and persons employed in very responsible professional, technical or consultative capacities who do not normally receive overtime compensation except in unusual circumstances as determined by appointing authorities.

Code 1 Employees: Exempt from FLSA: Other supervisory, professional, technical and related positions that are compensated for overtime at a straight time rate.

Code 2 Employees - Non-exempt from FLSA: Other categories of employees who are compensated for overtime at the rate of time and a half.

Overtime Compensation Paid to Division Staff

Division staff shall be compensated for overtime hours worked according to applicable State and Federal Statutes. Division staff identified as Code 1 or Code 2 employees will be compensated for overtime hours worked at the appropriate rate of pay. Code 0 employees, as defined by the Office of Administration, shall not earn overtime, or be compensated for overtime hours worked, unless the overtime hours are approved in writing by the Division Director or their designee. Approval of overtime hours for Code 0 employees is limited to unusual circumstances. Written approvals must be kept in the employee's personnel record maintained by facility Human Resources staff.

Pay Off of Overtime Balances for Staff Transfer/Promotions

Division staff being transferred or promoted within the Division shall have all overtime balances paid off before the employee is transferred or promoted to a new position. Overtime compensation shall be calculated using the employee's current rate of pay before the transfer or promotion. Overtime balance of the employee transferring or promoted within the Division shall be zero when they start their new position. Division shall not grant any exceptions to this section of the directive. Employees will have overtime balances compensated at their current rate of pay and not their promoted or transferred rate of pay.

Staff Transferring to the Division from Other State Employment

New employees hired by the Division from other state employment shall not transfer:

1. Overtime balances, including Holiday Compensation, accrued while employed by other state agencies, including other Department of Mental Health facilities.
2. Annual leave balances in excess of 120 hours accrued while employed by other state agencies, unless written approval is provided by the Division Director or their designee.

State Operated Programs Procedure to Monitor and Limit Overtime Per Employee

1. Each facility will implement a daily volunteer overtime schedule that will be used before any mandatory assignments for overtime are made.
2. Each facility will limit the number of all overtime hours worked to no more than 40 hours for any employee in a pay period.
3. Each facility will ensure that written approval is obtained when more than 40 hours of overtime will be worked. Approval is not required when an employee is held over from their shift for 60 minutes or less due to unforeseen coverage arrangements at the end of a shift.
4. Each facility will ensure that if an employee works double shifts on two consecutive days (totaling 15 hours or more), they shall not work any overtime on the third day.

5. Each facility will ensure that no employee works more than 6 consecutive days.
6. Exceptions to these limitations require prior approval from the appointing authority or their designee.
7. Each facility will implement a review process through their Human Resource Department to assess overtime hours at the end of each pay period for employees whose overtime exceeds 40 hours. The pay period information will be crosschecked with the time cards as part of this review.
8. Towards the end of the second shift when individuals are asleep, third shift ratios may be utilized. Employees working overtime will be the first to be released from duty if the ratio change allows for staffing reduction.

Authority: Fair Labor Standards Act
Missouri Revised Statutes Chapter 36 -State Personnel Law (Merit System)
Code of State Regulations Title 1- Office of Administration, Chapter 20 - Personnel Advisory Board and
Division of Personnel

This guideline will be reviewed and updated annually, if needed.