

CLINTON HOSPITAL

POLICIES AND PROCEDURES

Hospitalwide X
Interdepartmental _____
Intradepartmental _____
Review Responsibility Human Resources

Effective Date: October 1, 2012
Date Deleted/Replaced: _____
P&P Control # HR – 14 -12
Replaces P&P Control #: HR – 14 -11

Overtime Policy

PURPOSE & POLICY STATEMENT:

To establish the parameters for the payment of overtime compensation.

- A. Non-exempt employees will be paid at one and one half (1-1/2) times their regular rate for hours worked in excess of 40 hours in a work week. If employees are unclear as to whether or not they qualify for overtime pay, employees should speak to their managers.
- B. Non-exempt employees working standard schedules (8 hours or less per work day) will be paid at one and one half (1-1/2) times their regular hourly rate of pay for hours worked over 8.25 hours in a work day or after 40 hours in a work week. When employees are eligible for overtime, all the time after 8 hours will be paid at one and one half (1-1/2) times their regular hourly rate of pay.

Example: An employee working 8.25 hours in a day will be paid 8.25 hours of regular pay. An employee working 8.5 hours in a day will be paid 8 hours of regular pay and .5 hours of overtime.

- C. Non-exempt employees who work a flexible schedule will receive overtime pay for hours worked more than 15 minutes in excess of their budgeted daily hours or after working 40 hours in the work week.

Example: An employee is scheduled to work 3 – 12 hour shifts each week. An employee working 12.25 hours in a day will be paid 12.25 hours of regular pay. An employee working 12.5 hours in a day will be paid 12 hours of regular pay and .5 hours of overtime. If the employee works additional hours during the remaining work week resulting in working over 40 hours during that work week, he/she will be paid at the overtime rate for all hours worked in excess of 40 hours during that work week.

APPROVAL:

REVIEW/REVISED:

Vice President, Human Resources 9/28/12

Date

Date

- D. Employees are not permitted to work overtime without the prior approval of the employee's manager or department head. Employees will be paid for all overtime work, but may be subject to discipline up to and including discharge if the overtime work was not pre-authorized. If an employee has worked unauthorized overtime, the employee's supervisor/manager should: (1) Discuss with the employee the need to obtain authorization to work in excess of the employee's scheduled hours; (2) Document the discussion with the employee; and (3) Maintain the documentation in the manager's employee file.
- E. Employees scheduled to work less than 8 hours in a work day or 40 hours in a work week will be paid at their regular hourly rate of pay for additional time worked up to 8.25 hours in a work day or 40 hours in a work week. Hours worked in excess of 8.25 hours in a work day or in excess of 40 hours in a work week will be paid at the appropriate overtime rate.
- F. For the purposes of calculating the appropriate overtime rate, an employee's regular rate of pay will include all pay differentials (e.g., on-call pay, shift and/or charge differentials) paid during the work week, plus any overtime eligible bonuses and retroactive wage increases that are applicable for the particular work week.
- G. For the purpose of determining eligibility for overtime for hours worked over 8.25 hours in a work day, all hours worked by non-exempt employees immediately preceding or following their regularly scheduled shifts are considered as having been worked on the same work day as their regular shifts. For example, a non-exempt night-shift employee whose regular work shift begins at 11:00 p.m. on Thursday evening and ends at 7:00 a.m. on Friday morning and who continues to work the Friday day shift, 7:00 a.m. – 3:30 p.m., with one 30-minute consecutive uninterrupted unpaid meal period, will be considered as having worked 16 hours and will be eligible for overtime in accordance with the Clinton Hospital policy governing overtime.
- H. For the purpose of determining eligibility for daily overtime, time worked by employees outside their regular work shift that is not immediately before or after their regular shift and overlaps the end of the same workday will be considered as having been worked in the workday in which the shift started. For example, if an employee works 7:00 a.m. – 3:30 p.m. on Monday and returns to work starting at 11:00 p.m. on Monday and ending 7:00 a.m. on Tuesday, all hours are regarded as being worked on the same day and will be eligible for overtime. An employee who works 3:00 p.m. to 11:30 p.m. on Monday and returns to work starting 7:00 a.m. to 3:30 p.m. on Tuesday would not be eligible for overtime unless over 40 hours in a week.
- I. For the purposes of determining whether employees are entitled to overtime pay, all hours worked during a work week will be counted. Vacation and holiday pay, and time paid or subsidized for jury duty also will be included in the calculation of hours worked for the purpose of determining overtime pay eligibility for hours worked after 40 hours in a work week. Sick pay, personal time, and bereavement pay will not be considered hours worked for the purpose of determining overtime premium eligibility.
- J. Daily and weekly overtime pay may not be pyramided or duplicated. Accordingly, employees are not eligible to receive both daily and weekly overtime pay; only one overtime premium will apply.
- K. Employees shall not be permitted to work more than 16 continuous hours at any one time. In the

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event that an employee does work for 16 continuous hours, the employee will not be permitted to work another shift without a minimum of 10 hours of work-free time between shifts. No employee may work more than 56 hours per week. No employee may work more than 7 consecutive days without a minimum of 24 hours of work-free time.

- L. Compensatory time off in lieu of the payment of overtime pay is never permitted.
- M. Any exceptions to this policy must be approved by the Vice President of Human Resources.

SCOPE:

This policy applies to all employees of Clinton Hospital, except that if any conflict exists between this policy and a collective bargaining agreement provision, the applicable provision of the collective bargaining agreement will control.

DEFINITIONS:

Non-Exempt - A “Non-Exempt” employee is subject to the minimum wage and overtime provisions of the Federal Fair Labor Standards Act (the “FLSA”) and Massachusetts state law. A non-exempt employee will be paid overtime if they work over 40 hours in a work week.

Work Day - The 24 hour period starting at 7:00 a.m. and ending at 6:59 a.m. the following day. The typical work day consists of an eight hour shift. The shift length for a non-exempt employee may vary based on operational needs. Day and evening shifts are typically eight-and-a-half hour shifts with one 30-minute consecutive uninterrupted unpaid meal period. Night shifts are typically eight hour shifts with a paid meal period.

Work Week - The 168 hour period beginning at 7:00 a.m. on Sunday morning and ending at 6:59 a.m. the following Sunday. If an employee’s regularly scheduled shift overlaps 7:00 a.m. on Sunday, the employee’s regular work week will begin when the employee’s regular Sunday morning shift is scheduled to begin.

RESPONSIBILITY:

- A. Managers together with Human Resources are responsible for ensuring compliance with this policy.
- B. Managers are responsible for notifying Human Resources of all schedule changes that will impact the administration of this policy.
- C. Employees are responsible for accurately reporting all time worked including overtime hours.

PROCEDURE:

- A. To ensure the ongoing effective operations, employees are required to work reasonable amounts of overtime on an as-needed basis. Whenever possible, overtime will be equitably distributed among the employees in the affected department(s).
- B. Department Heads or their designees will assign overtime, giving advance notice whenever

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feasible. However, emergency situations and/or other unanticipated needs may prevent advance notice.

- C. In the case of emergency situations and/or other unanticipated needs, employees may be required to work in excess of the hours listed in Section K, above, at the direction of Department Managers or their designees.
- D. Employees who work the 11 p.m. – 7 a.m. shifts on the night the time changes due to daylight savings time shall be paid as follows:
 - 1. **Spring:** Work seven (7) hours: paid for seven (7) hours.
 - 2. **Fall:** Work nine (9) hours: paid eight (8) hours at regular rate plus one hour at time and one-half (1½) regular rate.

MONITORING:

Individual managers together with Human Resources are responsible for monitoring compliance with this policy.