

<p style="text-align: center;"><b>GEORGIA DEPARTMENT OF CORRECTIONS</b>  <b>Standard Operating Procedures</b></p>		
<b>Policy Name:</b> Working Hours, Overtime, and Compensatory Time		
<b>Policy Number:</b> 104.37	<b>Effective Date:</b> 4/18/2017	<b>Page Number</b> 1 of 20
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**I. Introduction and Summary:** Supervisors will administer working hours, overtime, and compensatory time as set out in the rules, regulations, and procedures established by the Fair Labor Standards Act (FLSA), the Governor's Office of Planning and Budget, the Department of Administrative Services – Human Resources Administration and the Georgia Department of Corrections (GDC).

**II. Authority:**

- A. Fair Labor Standards Act: C.F.R. Title 29;
- B. OPB/DOAS/HRA Policy Memorandum No. 7, effective Jan. 1, 2009;
- C. State Personnel Board Rule: 478-1-.16 Absence from Work; and
- D. GDC SOPs: 205.06 Administrative Duty Officer, 104.01 Delegation of Authority, 104.03 Bulletin Boards, 104.39.04 Leave Without Pay, 104.39.05 Military Leave, 104.39.09 Court Leave, 104.66 Teleworking, and 104.67 Official Hours and Alternative Work Schedules.

**III. Definitions:**

- A. **Appointing Authority** - The Commissioner and those whom the Commissioner has delegated as outlined in SOP 104.01 Delegation of Authority.

- B. **Compensatory Time** - Compensatory time compensates an employee for time worked or total time accrued beyond established maximums. There are three (3) distinctly different types of compensatory time listed as follows:

- 1. **FLSA Compensatory Time:** Earned when a Non-Exempt employee works in excess of the maximum hours in the designated work period. All hours and minutes must be physically worked in the work period (e.g., a law enforcement/security officer whose designated work period maximum is 171 hours must physically work more than 171 hours to earn FLSA compensatory time). This compensatory time is earned at the rate of one and one-half (1½) times the hours and minutes over the maximum hours allowed.

- 2. **State Compensatory Time:** Earned when an employee's credited work time (hours and minutes) and observed State Holiday time (employee

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does not work on holiday) total more than the scheduled number of hours in a work period, but the employee does not physically work over the maximum. (i.e. a holiday or annual/sick/personal leave taken). Employees must be holiday eligible in order to earn State Compensatory time. To be eligible, an employee must be full time and in pay status. State Compensatory time is earned on a straight time basis for an employee's time credits that exceed the work period maximum. Exempt employees may earn state compensatory time for time worked in excess of the maximum hours in their assigned work period.

3. **Holiday Deferral (Holiday Compensatory Time):** Earned when an eligible employee works any hours and minutes on a day designated by the Governor as a state holiday. Holiday deferral is earned at the rate of one-for-one for all time worked up to 8 hours per holiday maximum.
- C. **Assistant Commissioners** - Exercise managerial authority (and other responsibilities as delegated or designated by the Commissioner) over this agency's major divisions.
  - D. **Chief of Staff** - Serves as the Appointing Authority for senior and key management level positions.
  - E. **Exempt Employees** - Employees who satisfy the salary basis and duties test are Exempt from the minimum wage and overtime provisions of the FLSA.
  - F. **Non-Exempt Employees** - Employees who do not meet the tests or definitions of an Exempt employee and must be compensated for time physically worked in excess of the allowed number of hours in a specified work period. There are two categories of Non-Exempt employees: non-security, which does not require Peace Officer Standards and Training (P.O.S.T.) certification, and security/law enforcement, which generally requires P.O.S.T. certification.
  - G. **Overtime** - Overtime is used to compensate a Non-Exempt employee for any time worked beyond the maximum permitted hours for a designated work period under the FLSA. Overtime is compensated at the rate of one and one-half hours for every one hour worked beyond the maximum. Time worked

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beyond the maximum for the work period may **not** be rounded up or down and must be accounted by the minute.

- H. **Work Period/Cycle/Rotation** - Various terms used to indicate the regularly scheduled work period assigned by the Appointing Authority over a designated time span.

**V. Statement of Policy & Applicable Procedures:**

Employees cannot waive their rights to compensation under the Fair Labor Standard Act. This procedure applies to all GDC employees, including classified or unclassified and full-time or part-time.

- A. **Hours and Work Periods:** Appointing Authorities will ensure that each employee is assigned to a Department-approved work period and that supervisors enforce work period compliance. Work periods are as follows:

1. Non-security employees: The standard work period for non-security employees, both Exempt and Non-Exempt, consists of seven consecutive twenty-four hour days. The standard work period for non-security employees starts at 1:00 a.m. on Saturday, and ends at 12:59 a.m. the following Saturday. Standard work days are Monday through Friday, eight (8) hours per day. Appointing Authorities shall designate work hours each day according to GDC SOP 104.67, "Official Hours and Alternative Work Schedules". Immediate supervisors must ensure employee compliance as follows:
  - a. Full-time, non-security employees must work or take paid leave for a minimum of 40 hours in each seven-day work period to receive full compensation. Non-Exempt employees who physically work over forty (40) hours in a work period are entitled to compensatory time or cash overtime, as deemed appropriate by the Appointing Authority.

**NOTE: Certain employees in GDC nursing positions may be assigned to work periods of 14 consecutive calendar days and 80 hours of work in duration. Appointing Authorities shall coordinate with the Director, Human Resources to assign these**

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**employees to a 14 calendar day work schedules and comply with FLSA regulations.**

- b. Appointing Authorities must submit a request to the Director, Human Resources to establish work periods with starting and ending days different than the standard work period. Variances to the standard work period may be approved as long as the employee's minimum work hours are forty (40) in the specified seven-day period. This plan must be established between the employee and the Appointing Authority through written agreement.
  - c. Within the work period, work hours shall be assigned by the Appointing Authority in compliance with GDC SOP 104.67. However, an Appointing Authority may not change the employee's scheduled work period start and end dates and times to prevent the employee from earning extra compensation.
2. Security/Law Enforcement Employees: Work periods for law enforcement and fire protection employees may be established for any period between seven and twenty-eight days (43 hours to 171 hours, respectively). Eligibility for overtime is based on Non-Exempt employees exceeding the maximum number of hours for the established work period.
  - a. The following chart outlines the maximum hours for each work period. Employees are entitled to compensatory time or overtime compensation at the rate of one and one-half times the regular rate for any time worked (hours and minutes) over the maximum hours listed for the specific schedule.

**MAXIMUM HOURS WORKED (ROUNDED) BEFORE OVERTIME**

Consecutive-Day Work Period	Hours of Law Enforcement
28	171
27	165
26	159
25	153

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24	147
23	141
22	134
21	128
20	122
19	116
18	110
17	104
16	98
15	92
14	86
13	79
12	73
11	67
10	61
9	55
8	49
7	43

- b. Standard security work periods and scheduled hours within the work periods for the Department are:

**STANDARD WORK PERIODS      SCHEDULED HOURS**

5/2, 28 days, 171 hours	165
6/3, 27 days, 165 hours	148 hrs. 30 min.
4/4, 24 days, 147 hours	144
5/2, 7 days, 43 hours	41 hrs. 15 min.

- c. Appointing Authorities must submit a request to the Director, Human Resources to establish work periods that vary from the standard work periods mentioned above.
- d. Requests for non-standard work periods shall include intentions concerning the lunch or duty free period. Security/Law Enforcement

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employees shall receive a lunch or duty free period for any shift longer than 10 hours 30 minutes.

- e. GDC fire protection employees will work or take paid leave under the same conditions as law enforcement personnel.
- f. Any work period or partial work period for security employees (i.e., changing work period during mid-schedule) having less than seven days will have the maximum number of hours established under the following schedule: (1 work day = 8 hours 36 minutes; 2 work days = 16 hours 51 minutes; 3 work days = 25 hours 17 minutes; 4 work days = 33 hours 42 minutes; 5 work days = 43 hours).

**Note: If a security employee is changed from one work period rotation or "key" to another "key" with different work days and off-days, the Appointing Authority/designee must submit a time sheet of the "key" the employee just left so reported time can be immediately approved. All overtime earned should be approved and paid accordingly.**

- 3. Security employees, through work or a combination of work, paid leave, holidays, and other management approved leaves of absence, should meet scheduled hours for every work period. Paid leave (Annual, Sick, or Personal) charged for approved absences, will be for shift length including shift briefing (e.g., 8 hours and 15 minutes, 9 hours or 10 hours).
- 4. If the amount of an employee's accumulated time falls between the work period's minimum hours and maximum hours, then Appointing Authorities/designees may retroactively restore paid leave to the scheduled work hours for an assigned work period. Appointing Authorities/designees may deduct leave for security/law enforcement employees if needed after the timesheets for the work period have been totaled and finalized.

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**B. FLSA Status Determination/Designations:**

1. The Correctional Human Resource Management (CHRM) Workforce Development Unit determines each position's FLSA status, with final approval by the Director of Human Resources.
2. Supervisors must know each subordinate's FLSA status to properly control work hours and assign work.
3. HR Representatives may review an encumbered position's FLSA status as follows: Access PeopleSoft and select Workforce Administration > Job Information > Job Data, then go to the Job Information tab and locate FLSA Status near the bottom of the computer screen.

**NOTE: The FLSA designation in the PeopleSoft System may be incorrect for vacant positions; therefore, contact the CHRM Workforce Development Unit for assistance.**

4. Supervisors should consult the local HR Representative if there are any questions, inconsistencies, or concerns.
5. If the duties of a position appear to warrant a change in FLSA designation, the Appointing Authority shall forward a written request to the CHRM Workforce Development Unit with supporting documents that indicate the position's duties (e.g., an updated Performance Management Plan).
6. The CHRM Workforce Development Unit will communicate changes to a position's FLSA status to the local HR Representative.

**C. Hours Worked (All Employees):**

1. Appointing Authorities will ensure that Exempt employees' work hours are maintained in accordance with the GDC's Exempt Employee time keeping system.
2. Appointing Authorities must control Non-Exempt employees' work hours to ensure that no work outside scheduled hours is performed if the Appointing Authority does not want the work performed.

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3. Non-Exempt employees must be compensated for all hours worked. Generally, all time the Non-Exempt employee is required or permitted to perform services for the employer's benefit, including time outside the scheduled work period or off premises, are hours worked and must be recorded. The work day begins when the first official act of work occurs.
4. Work performed by an employee that is permitted, even if the work was not requested or authorized, must be counted as hours worked. Each supervisor shall monitor subordinates' work and ensure that employees do not perform work that management does not want performed.
5. The mere announcement of a rule against performing work during non-scheduled work hours is not sufficient to relieve the employer of the liability for extra time worked.
6. Supervisors must not allow Non-Exempt employees to occupy their work stations before or after scheduled working hours or during unpaid meal periods. Non-Exempt employees occupying their workstation or post before or after scheduled work time may be able to claim such time as work time.
7. The Appointing Authority must approve time worked outside the normal scheduled work hours in advance, except in cases of emergencies. In emergency situations, Appointing Authorities must be notified as soon as possible.

**NOTE: To avoid the potential for FLSA overtime liability, employees who are FLSA Non-Exempt are not authorized to work for another State agency.**

**D. Meal Periods/Break Time:**

1. The FLSA does not require employers to provide a meal period for employees. However, if the meal break is to be unpaid, the FLSA mandates that the break must be a minimum of thirty (30) minutes of uninterrupted work-free time for the employee.



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2. GDC employees are not permitted to work through their meal period on a regular basis in order to shorten their workday.
3. Employees who work shifts longer than 10 hours 30 minutes must receive a 30-minute work free meal period, except when the Appointing Authority determines that institutional security requirements for particular days (no on-going situations) dictate meal period waivers.
4. When workload allows, an Appointing Authority may allow an employee up to two "breaks" each lasting 15 minutes or less per day. These breaks are considered work time, and are not a mandatory requirement.
5. State policy mandates that a supervisor may not allow an employee to lengthen a meal period, report to work late, or depart early for not taking or for "working through" a break.

**E. Shift Briefings:**

1. The Appointing Authority determines if a shift briefing is needed and the period of time needed for that briefing.
2. Any shift briefing time, pre-shift and/or post-shift, is work time and must be accurately recorded, and counts toward total hours to be compensated.
3. Time required for shift briefing is included in the calculation of the scheduled hours for the work period. Therefore, if an employee is absent for an entire day, leave must be utilized to cover the entire shift including the briefing (8 hours/15 minutes, 8 hours/ 30 minutes, 9 hours, etc.).

**F. On-Call/Call-Back Time:**

1. On-Call Time: On-call time is not work time unless the employee is required to remain at a specific location or so close thereto they may not use the time for their own purposes. An employee who is only required to wear a paging device, answer a cellphone call, or to leave word where he/she can be reached is not considered to be working.
  - a. When an employee serves as duty officer, the following counts as work time:

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- i. Time spent on the telephone talking with the work site (i.e. text, emails, telephone calls), and
    - ii. Time actually spent at the work site after normal scheduled work hours.
  - b. The time spent commuting from place of residence to the work site while serving as duty officer is not work time.
  - c. The employee who served as duty officer must record all times worked (hours and minutes) on the official timekeeping system.
  - d. If the employee who served as duty officer has instances of adjusted work schedule during the same work period as the duty officer assignment, this employee's work time, leave, and/or eligible holidays combined must still meet the required total time for the assigned work period.
2. Call-Back Time: When any Non-Exempt employee is called back to the work site during his/her off time, the time actually spent at the work site counts as work time and must be recorded by the official timekeeping system.
- a. Non-Exempt employees who are scheduled to be "on-call" and meet all other provisions will be paid a supplement equivalent to one hour of pay for each time the employee is called back to the work site.
    - i. This supplement will be paid regardless of the length of time spent at a work site, and is addition to overtime earned;
    - ii. Schedule adjustments or compensatory time may not be given to an employee in lieu of Call-Back pay; and
    - iii. Employees who are subject to being called back to work for public safety purposes (e.g., Correctional Officers) are not eligible for the supplement.

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#### **G. Sleep Time:**

1. In certain situations, GDC will assign designated employees to work shifts in excess of 24 hours for business necessity. If a continuous work shift exceeds 24 hours, the Appointing Authority may declare unpaid sleep time. An employee will not be paid for declared unpaid sleep time if the following conditions are met:
  - a. The employee is provided adequate sleeping arrangements, which, at a minimum, include mattresses, blankets, etc., conditioned in-door climates suitable for sleeping or suitable outdoor provisions to protect the sleeper from pests and weather conditions, if applicable, and quiet locations suitable for uninterrupted sleep;
  - b. The declared sleep time is at least five (5) hours but not more than eight (8) hours of uninterrupted sleep; and
  - c. The employee signed a "Sleep Time Requirements Acknowledgement Statement" containing sleep time requirements, which is on file in the local HR Office and in CHRM.
2. The Appointing Authority may schedule an employee for continuous work shifts exceeding 24 hours up to five (5) consecutive calendar days. After five (5) consecutive days, the assigned employee must receive a forty-eight-hour break before being called back to duty, unless otherwise agreed upon in writing by the employee.
3. If possible, employees will be notified in advance that a situation requires them to report for a shift that may involve unpaid sleep time.
4. If one or more of the conditions in item #1 above are not met, then employees must be paid for all time spent sleeping.

#### **H. Mandatory Training:**

1. Mandatory training is work time. Normally, work schedules and training schedules are to be adjusted so those employees do not attend training classes on their time off.

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2. Employees who attend training will receive work time credits equaling work time (hours and minutes) as regularly scheduled at the work location provided it is a full day of training, e.g., an officer working a shift of 8 hours/15 minutes will receive work time credit on the actual full day of training for his/her regularly scheduled work day of 8 hours/15 minutes; an employee who works four 10-hour days will receive work time credit on the actual full day of training for his regularly scheduled work day of 10 hours.
3. If travel time and full-day training time exceed the regular, daily scheduled work time, the employee must itemize the training day, including meal breaks, using the current official timekeeping system.

**I. Travel Time:**

1. GDC compensates employees for travel during regularly scheduled work hours.
2. Time spent traveling from home or an out-of-town lodging arrangement to the work site and back home or the lodging arrangement (normal commute time) does not count as work time. This is the case whether an employee works at a fixed location or at different job sites.
3. An official work site location must be assigned to each employee to establish normal commute time.
4. If an employee's position requires regular or daily travel, then normal commute time must be omitted from an employee's travel time to job assignments or field assignments where the employee is **not** required to first report to an official work site.
5. An employee assigned to work in another city for one day (does not spend the night) counts all travel time (except time taken for meal breaks) as work time. For purposes of this provision, Metropolitan Atlanta is considered one city.
6. An employee assigned to out-of-town duty that involves lodging (i.e., either operator of a vehicle or passenger) may count all travel time as

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work time (except time taken for meal breaks). GDC excludes from work time traveled between the employee's home and location where a change in mode of transportation is made. Likewise, travel time **must not** be awarded for reasonable travel time from lodging to the assigned work site and from the assigned work site back to lodging.

**J. Compliance with Regulations and Policies:**

1. The FLSA requires that a notice to employees concerning the reporting of all time worked must be posted. Appointing Authorities must ensure that this employee notice Attachment 3, GDC Notice to Employees is posted, at a minimum, on each Official Bulletin Board.

**NOTE: Information on availability of this federally required notice may be found by navigating to: Captiva < Administration & Finance Division < Administration < Human Resources < Official Bulletin Board< Fair Labor Standards Act Poster**

2. Each prospective employee is required to initial the acknowledgement form contained in the New Hire Packet that FLSA compensatory time or monetary payment may be used. The Director, Human Resources must be notified immediately if a prospective employee refuses to initial the form. Such individual shall not commence work until permission is received from the Director, Human Resources.
3. All individuals who were employed by the State on, or prior to April 15, 1986, and have been continuously employed since that date, are considered to have agreed to the use of FLSA compensatory time as a condition of employment.

**K. Record-keeping Mandates and Requirements:**

1. Employers covered by FLSA must maintain wage and time records on Non-Exempt employees.
2. Each work day, employees must record time worked (hours and minutes) worked, including start and stop times, using GDC's timekeeping system. Customized time sheets or record keeping systems that are operationally necessary must be submitted to the Director, Human Resources for

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approval. Time records must include total hours worked each work period.

3. The time records are to be based solely on the employee's work period. They cannot be based on a calendar month, a payroll pay period, etc. Work units that require non-standard time sheets must submit examples and justification to the Director, Human Resources for approval prior to the use of such forms.
4. Each Appointing Authority is responsible for ensuring that non-security, full-time employee work the required 40 hours per week or equivalent, and that variances are accounted for by use of leave, leave without pay, or compensatory time.
5. Each Appointing Authority is responsible for ensuring that security/law enforcement, full-time employee actually work the required number of hours established for the assigned work period. All work periods have required work hours (e.g., 7-day period = 40 hours; 24-day period with shift briefing = 141 hours; 27-day period with 15-minute briefing each shift = 148 hours/30 minutes; and 28-day period with no shift briefing = 160 hours). Any actual time worked variance which falls below required hours must be documented and paid leave, compensatory time, or leave without pay charged to the employee whose work time falls short of the required work period hours.
6. DO NOT reconstruct time records in the event of lost or misplaced records.
  - a. If an employee claims time worked over the maximum hours and time records are unavailable, other forms of proof, such as training records, absentee reports, duty rosters, use of force reports, or any document with a date and time stamp, may verify time worked; and
  - b. If hours over the maximum cannot be verified, the Director of Human Resource will be notified.

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7. Upon transfer within GDC, an accurate Leave Verification form must be sent to the employee's new assigned facility.

**L. Holidays and Paid Leave Time Credits:**

1. Time spent using paid Leave (Annual, Sick, or Personal only) or State Holidays designated by the Governor counts toward the total hours to be compensated for the work period.
2. An employee, who is approved for Military Leave or Administrative Leave, remains in pay status, but does not receive time credits for purposes of awarding compensatory time.

**M. Methods of Compensation:**

1. The FLSA does not limit the number of hours that an employee may work. It simply requires that overtime compensation for Non-Exempt employees must be granted at a rate of not less than one and one-half times the regular rate for each hour physically worked in the work period in excess of the maximum hours applicable to the type of employment.
2. FLSA does not require that an employee be granted one and one-half times compensation for hours worked in excess of eight hours per day, or for work on holidays, or on scheduled off days, provided the maximum number of hours prescribed in the FLSA are not exceeded.
3. Exempt employees may earn State Compensatory Time when the total hours for a work period exceed the normally scheduled hours. (See limitations in paragraph 4.c. below)
4. Non-Exempt employees are not entitled to FLSA compensation for any hours worked less than the maximum hours allowable under FLSA (e.g., non-security = 40 hours, maximum; security/law enforcement under assigned schedule such as 27 days = 165 maximum, 28 days = 171 maximum, etc.) Non-Exempt employees who exceed the maximum number of hours allowed during their work period should be compensated by one of the following methods:

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- a. **Schedule Adjustment:** An Appointing Authority must give an employee one hour for each extra hour worked **before** the end of the employee's work period. **This is not granting an employee compensatory time or overtime; it is a schedule adjustment.**
- b. **FLSA Compensatory Time:** Non-Exempt employees only earn FLSA Compensatory Time when they physically work more than the maximum hours allowed for the work period and their work schedule cannot be adjusted prior to the end of the work period. The employee earns FLSA compensatory time at one and one-half times the regular rate of pay.
  - i. Non-security employees may earn a maximum of 240 hours of FLSA compensatory time. Any overtime earned over that maximum is to be paid by monetary compensation.
  - ii. Security/Law Enforcement employees may earn a maximum of 480 hours of FLSA compensatory time. Any overtime earned over the maximum is to be paid by monetary compensation.
- c. **State Compensatory Time:** State Compensatory Time compensates an employee for non-FLSA overtime on a one-to-one ratio.

**NOTE: Appointing Authorities may restore leave already used in the work period to reduce or eliminate the accumulation of State Compensatory Time.**

- i. The maximum state compensatory time accrual allowed is 240 hours. Any state compensatory time earned in excess of 240 hours is lost. An employee will not be compensated for such time in any manner, and it will not transfer with the employee to another State Agency.
- ii. All State Compensatory Time must be utilized within one year of the date that it is earned.



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iii. The use of State Compensatory Time will not be approved until all available Deferred Holiday time and FLSA compensatory time has been used.

- d. Leave keepers shall charge absences to accumulated compensatory time balances in lieu of other requested paid leave such as annual, sick, or personal leave. An exception may be made late in the calendar year when an employee should be allowed to use personal leave for an approved absence rather than lose it.

**NOTE: Appointing Authorities may direct employees to schedule and take time off from work to use and reduce FLSA compensatory balances.**

**N. Authorizing FLSA Overtime:**

1. Each Appointing Authority foreseeing the need for overtime work must consider all reasonable alternatives. In emergencies, Appointing Authorities must take prudent action and when those actions include overtime, follow up as soon as possible using the procedures below:
  - a. Approval for FLSA overtime:
    - i. Attachment 1, Overtime Claim and Payment Request and Attachment 2, Overtime Payment Request must be submitted to the appropriate Region Director/Designee, if applicable.
    - ii. When forms are received, the Region Director/Designee will submit to Facility Operations Administrative Support Office for approval then to CHRM for processing.
    - iii. All requests for overtime for Exempt employees **must** be approved, in advance, by the Director, Human Resources.
  - b. Claims for Overtime Payment:
    - i. Claims for payment of cash overtime may be submitted by completing Attachment 1, Overtime Claim and Payment Request, or in a manner approved by Director of Human Resource. The

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date of the work period should be the date that the period began, regardless of whether the employee worked on that date. Additionally, the claim sheet should reflect the entire work period, including scheduled off days, holidays, leave, etc. for that employee, unless prior approval has been obtained to make a special exception.

- ii. The hourly rate for payment of FLSA Compensatory Time will be calculated based on the employee's monthly salary, plus any additional pay supplements at the time the pay supplements are paid.

- 2. GDC Options - GDC has discretion at any time to:
  - a. Monetarily compensate employees for any accumulated balance of compensatory time; or
  - b. Direct the use of accumulated compensatory time to reduce the retained balances of individual employees.

**O. Use of Compensatory Time for Employee Transfers within GDC:**

- 1. When a Non-Exempt employee leaves the jurisdiction of an Appointing Authority by promotion, transfer, or demotion, that Appointing Authority must diminish FLSA compensatory time, and the Appointing Authority should make every reasonable effort to assist the employee in diminishing other types of accumulated compensatory time.
  - a. FLSA compensatory time must be reduced to a zero (0) balance before the effective date of a transfer to another GDC Departments. Use of FLSA compensatory time will be at the pay grade in which the employee accumulated the FLSA compensatory time, except for demotion (which would be effective on the date set by the Appointing Authority).
  - b. When FLSA compensatory time cannot be brought to a zero balance, payment must be made to the employee prior to the transfer.

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**Note: If payment is not made prior to the transfer, the local HR Representative at the facility, center, or office where the FLSA compensatory time was earned must immediately submit a written request (describing the reason(s) it was not paid in a timely manner) for a hand drawn check to their assigned CHRM HR Technician. Payment will be calculated as stated above.**

- c. State Compensatory Time must be used within twelve (12) months of accrual. Every effort should be made to require employees with accumulated State Compensatory Time to use the compensatory time and maintain minimal balances.
- d. Holiday Deferral (Holiday Compensatory Time) must be used within 120 days of being earned and should not be transferred from one Appointing Authority's unit to another Appointing Authority's unit. Employees should use accumulated Holiday Deferral in lieu of other paid leave to avoid any situations requiring monetary pay-outs.

**P. Use of Compensatory Time when Transferring to Other State Agencies:**

- 1. Accumulated FLSA compensatory time must be paid upon separation of an employee from GDC. This may be accomplished, if agreeable to the other Agency, by delaying the effective date of transfer until the FLSA balance is zero.
- 2. When FLSA compensatory time cannot be brought to a zero balance, payment must be made to the employee prior to the transfer.
- 3. Accumulated State Compensatory Time is lost and will not be paid to any employee upon transfer to another State Agency.
- 4. Accumulated Holiday deferral will be paid to any employee upon transfer to another State Agency.

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**V. Attachments:**

Attachment 1, Overtime Claim and Payment Request;  
Attachment 2, Overtime Payment Request; and  
Attachment 3, GDC Notice to Employees

**VI. Record Retention of Forms Relevant of this Policy:** Attachments 1 and 2 shall be retained in CHRM and the local personnel office for a period of three (3) full years. Attachment 3 shall be posted permanently on the “Official” Bulletin Board.