

COLORADO DEPARTMENT OF TRANSPORTATION		<input type="checkbox"/> POLICY DIRECTIVE <input checked="" type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject COMPENSATION FOR OVERTIME, ON-CALL, CALL-BACK, SHIFT DIFFERENTIAL, AND COMPENSATORY TIME			Number 1230.2
Effective 05/07/09	Supersedes 3/18/08	Originating office Center for Human Resource Management	

PURPOSE

The purpose of this procedure is to establish standards and provide written guidelines that address the appropriate application of state statutes, fiscal, and personnel rules relating to work hours including overtime, on-call, call-back, shift differential, compensatory time and additional hours worked by exempt employees. This Procedural Directive supersedes all previous directives and memos regarding overtime and shift differential.

AUTHORITY

Fair Labor Standards Act (FLSA); Colorado Revised Statute (CR5) 24-50-104.5; State Fiscal Rules; State Personnel Rules.

APPLICABILITY

This policy directive applies to all Divisions and Offices of the Colorado Department of Transportation.

DEFINITIONS

Appointing Authority:

The CDOT Executive Director is the appointing authority for all Executive Management Team (EMT) members. The EMT consists of the Regional Transportation Directors (RTDs), Division Directors and Office Directors. RTDs, Division Directors, and Office Directors are appointing authorities for all employees in their respective units. Appointing authorities may delegate human resources functions, but it must be in writing.

Approving Authority:

For purpose of this procedural directive, an approving authority is the first or second level supervisor who has been authorized to approve hours of work and timesheet. Each appointing authority may delegate to subordinate supervisors the authority to approve matters related to the hours of work. This delegation must be in writing and clearly designate the position to whom the delegation is made. The appointing authority may withdraw this delegation at any time.

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Essential Position:

Non-exempt positions required to perform critical work or emergency services without delay or disruption. These positions are critical to the preservation of the health, safety or welfare of CDOT employees and the traveling public.

Essential Work:

Essential positions perform highway maintenance and support services directly responsible for the health, safety or welfare of CDOT employees and the traveling public.

Exempt Employee:

Any employee whose position has been determined in accordance with the Fair Labor Standards Act (FLSA) to be exempt from overtime compensation. The exempt category includes executive, administrative professional and professional positions. Employees in these positions are not eligible to accumulate, use or receive compensation for hours worked in excess of forty per week. Exempt employees may be allowed, at the sole discretion of the appointing authority, consistent with this procedural directive, to take time off for additional hours worked beyond a regularly scheduled work week. However, no exempt employee is entitled to take time off, as a matter of right, for additional hours worked in a manner similar to non-exempt employees.

Non-Exempt Employee:

Any employee whose position has been determined, in accordance with the FLSA, as eligible to receive overtime compensation or compensatory time off for all hours worked in excess of forty per established work week.

Established Work Week:

1. The standard work week is a period of 168 consecutive hours in seven consecutive days. The CDOT work week begins at 00:01 AM Saturday and ends at Midnight Friday. This work week applies to all employees, unless noted in the below examples.
2. Deviations from this work week may be requested if the change is of a permanent nature. Requests for changing the standard work week must be approved by the appointing authority or designee. Affected employees must be advised two weeks in advance of any approved alternate work week designations. SAP will store the employee's established work week.
3. Flextime work week schedules begin at 00:01 AM Saturday and ends at Midnight Friday with the exception of the two-week rotational flex schedule. Employees must agree to the established work week start times and the authorized work schedules. Flex schedule rules are established in PD 1230.1.

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Work Hours:

Under public accountability policy, all full-time State employees are expected to work a full-time schedule, which equates to a minimum of forty (40) hours each week. Holidays and periods of authorized paid leave time are considered a part of the forty hour work week. The appointing authority or his/her approving authority shall establish the work schedules (which may be staggered) and meal periods to permit each full-time employee the ability to work forty (40) hours in each established work week. See PD. 1230.1 regarding flextime issues.

Work Schedule:

The period established by the appointing authority or his/her approving authority identifying hours worked by each employee. Each employee is assigned a SAP work schedule which documents the employee’s daily start time, meal period, and end time. A new work schedule must be requested when an employee’s start and end times will change for more than 3 months.

Emergency Work:

Work that cannot be reasonably predetermined prior to its occurrence and which must be performed outside regular working hours for the health, safety, or welfare of the traveling public or CDOT property.

Overtime:

The actual hours a non-exempt employee worked in excess of forty hours during the established work week. The excess hours are the basis for overtime pay at the rate of one and one half times the employee’s annualized hourly rate OR compensatory time off at the rate of one and one half times of overtime worked. NOTE: Overtime is not authorized until the non-exempt employee has worked more than forty (40) hour work week.

Comp Time or Compensatory Time:

Compensatory time is not leave, but a form of compensation. Compensatory time off is time off during regularly scheduled work hours in lieu of a cash payment for overtime worked by non-exempt employees. The accumulation and usage of compensatory time off for non-exempt employees is dictated by FLSA, state statutes and state personnel rules. Exempt employees ARE NOT entitled to accumulate or use compensatory time.

Shift Differential:

An additional amount of pay added to the employee’s base pay rate in compensation for working certain shifts. Second shift hours fall between 4:00 PM to 11:00 PM; third shift hours fall between 11:00 PM to 6:00 AM. For scheduled work time, employees are paid shift differential based on the work schedule shift status. The shift status is established by determining if 50% or more of the time was worked during second or third

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shift time period. Unscheduled work time is paid shift differential hour for hour. Shift differential shall not apply to Holidays or paid leave. Eligibility for shift differential payment is documented in the annual compensation plan by classification.

On-call Status:

Designated employees are in on-call status when they are scheduled to be immediately available to work beyond the regular work schedule after they have left the job site. Compensation is provided for the additional restrictions placed on an employee who is away from the worksite but in on-call status. To be designated for on-call status, a position or class of positions must be approved by the CDOT division director as eligible for on-call.

Subject-to-Call Status:

Employees in positions which, as a condition of employment, have been designated by the approving authority as subject to being called back to work for essential or emergency work are considered to be in subject-to-call status. Some conditions may be attached to subject-to-call status, such as requiring the employee to provide a phone number where he/she can be reached, however, the employee has free use of their non-work time. Compensation is not provided while in subject-to-call status. Eligible employees actually called back to work receive call-back pay.

On-Call Pay:

An amount established by the Department of Personnel annual total compensation survey which is paid to eligible employees while in on-call status. In call-back situations, employees eligible for both on-call and call-back pay shall receive call-back pay only.

Call-Back Pay:

An employee whose position is eligible for overtime compensation shall be eligible for call-back pay. Exempt positions may be eligible for call-back pay if a request is made to and approved by the CDOT Executive Director or designee. Call-back pay is the minimum number of hours for which an employee must be compensated when required to return to work after leaving the place of work upon completion of an assigned shift.

SAP System:

An Enterprise Resource Planning tool that is CDOT’s electronic timekeeping and payroll software used by the Department and its employees.

CAT2

The SAP timesheet that is used to enter and store employee hours worked and leave taken and is the basis for overtime calculation, compensation, and cost distribution.

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PROCEDURES

Delegation of Approving Authority:

The appointing authority, Regional Transportation Directors (RTDs), Division Directors and Office Directors, may delegate in writing the approval authority for approval of all leave types, overtime, compensatory time, and exempt additional hours off. The delegation must be submitted in writing and on file in Center for Human Resources Management.

Establishment of Work Schedule:

The appointing and/or approving authority shall establish work hours for all employees, including meal periods. Based upon workload, starting and quitting times may vary during the established work week provided the permanent employee is given the opportunity to work a minimum of forty (40) hours. A permanent work week schedule will be assigned and maintained for each employee in SAP. It is the supervisors responsibility to establish the correct work schedule. Generally the work schedule shall be consistent from week to week. However, upon notifying the employee, the approving authority may, in emergency work situations or as conditions dictate, modify the work hours to manage overtime. The work schedule may also be modified to accommodate rotating shifts. Notice of a rotating shift schedule should be provided to affected employees two weeks in advance. In emergency situations, the affected employee should be notified as soon as possible.

Supervisors are not required to allow an employee to work over 40 hours in a work week if that employee completes his/her 40 hours ahead of schedule. For example, if a non-exempt employee accumulates 40 hours in the first three days of the regular work schedule, the supervisor may release him/her from further work during the rest of the work week. If, however, an employee works on a regularly scheduled day off, the employee's work hours shall not be modified to reduce overtime.

Work schedule changes should be done for permanent work schedule changes (3 months or more). To avoid payroll errors, at least two weeks before the effective date of the change, the Approving Authority should communicate to the employee of the business need to change the work schedule. Supervisors will instruct the employee not to complete his or her timesheet beyond the date the work schedule change is effective, until the work schedule has been changed. Supervisor shall use MSS to submit a "Request Change of Working Time" PCR or an email to CDOT.HR@dot.state.co.us at least two days before the effective date of the change.

Temporary work schedule changes should be handled through work schedule substitutions method. Substitutions should be requested by the supervisor or timekeeper when the employee's work schedule will be changed for two weeks or more, but less than 3 months. A substitution is used for injury/sick coverage, vacation coverage, or vacancy coverage. Work schedule substitutions requests that are shorter than two weeks will be evaluated by HR supervisor on a case-by-case basis. Substitutions should be requested via an email to CDOT.HR@dot.state.co.us a minimum of three working days in advance.

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Essential Positions and Work

Authorization of Essential Positions:

The Executive Director may designate positions as essential. This authority has been delegated to the Directors of Divisions and offices and RTDs, who may not further delegate to section managers.

Essential Position/Essential Work Determinations:

The Department of Transportation recognizes that the work of every employee is essential to achieving the mission of CDOT. However, CRS 24-50-104.5 requires CDOT to count holidays and paid leave for calculating overtime only for essential highway maintenance and services necessary for the health, safety and welfare of the citizens of Colorado and to maintain CDOT's property.

Implementation of C.R.S. 24-50-1 04.5 for payroll purposes, CDOT requires:

- I. The position must have been designated non-exempt by the Center for Human Resource Management (CHRM) and, therefore, eligible for overtime pay.
2. The positions engaged in highway maintenance and related work are to be assigned to a personnel sub area of maintenance or tunnel and are automatically designated as eligible.
3. Appointing Authorities must designate any additional positions as essential in writing by submitting a signed memo to the Center for Human Resources Management. Essential designation cannot be retroactive. Essential positions must perform job assignments that are critical to the health, safety, and welfare of CDOT employees and the citizens of Colorado.

Non-exempt employees in essential positions shall include holidays and approved paid leave hours in overtime calculations. All other employees shall not include holidays and paid leave in overtime calculations. Leave may be denied, delayed or canceled in order to minimize overtime accrual.

Overtime and Comp Time

Authority to Determine Overtime Eligibility:

Determinations of exempt/non-exempt status shall only be made by the Center for Human Resources Management (CHRM). A position's status is evaluated based on the Fair Labor Standards Act (FLSA), state statutes and State Personnel Director's Rules. Only non-exempt positions are eligible for overtime. Employees with overtime issues are encouraged to resolve them first with their supervisor or CHRM.

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Non-Exempt Employees Overtime:

The appointing or approving authority must approve all overtime work in advance. All overtime must be compensated, whether it was authorized or unauthorized. Failure to obtain advance authorization to incur overtime may lead to an employee corrective and/or disciplinary action.

Non-exempt permanent and permanent part-time employees cannot waive the right to overtime compensation after working more than 40 hours in an established work week. Non-exempt employees may be paid either in cash through the next regular payroll cycle or by compensatory time. Cash payments shall be 1 1/2 times the employee’s annualized hourly rate. Compensatory time shall also accrue at 1 1/2 times for each hour of overtime worked, i.e., an employee who works one hour of overtime and receives comp time shall be granted 1 1/2 hours of time off.

Non-Exempt Employees Compensatory Time:

The accrual and use of compensatory time shall be by written agreement between the employee and the appointing authority. As a condition of employment, each new employee in a non-exempt position is required to sign a Compensatory Time Agreement. Compensatory time off in lieu of cash payment may only be used if there is prior written agreement between CDOT and an employee. See CDOT Form 1220 for an example of this documentation. A copy must be given to the employee, the Center for Human Resource Management for placement in the employee’s personnel file, and the supervisor. A Compensatory Time Agreement is not needed for non-exempt employees hired before April 15, 1986; however, all the provisions of this Procedural Directive apply to employees hired before April 15, 1986.

Overtime hours which have been approved to be compensated with compensatory time instead of cash payment shall be recorded on the electronic timesheet as comp time accrued and charged as regular hours to the project/organization/grant/work order. Employees are encouraged to utilize comp time accrued as soon as practical and permitted to do so by their approving authority. The established limits for accruing compensatory time are specific to the employee’s designated personnel subarea (e.g. Maintenance, Tunnel, Engineer, etc.).

- Compensatory Time Processing for Maintenance and Tunnel Personnel Subareas

Non-exempt Maintenance and Tunnel employees may accumulate up to a maximum of sixteen (16) hours of overtime as compensatory time, each year. Sixteen (16) hours equates to twenty-four (24) hours of compensatory time (16 x 1.5 = 24). Maintenance and Tunnel employees shall not carry a balance of more than twenty-four (24) hours of accrued compensatory time. Any accrued compensatory hours remaining at the end of the current fiscal year will be paid to the employee in the form of cash payment through regular payroll processing.

- Compensatory Time Processing for Engineering, Maintenance Support, Program Support, and Project Support Personnel Subareas

Non-exempt employees, who are not designated in Maintenance or Tunnel personnel subareas, may accumulate up to forty (40) hours of overtime as compensatory time, at any given time. Forty (40) hours of overtime equates to sixty (60) hours of compensatory time (40 x 1.5 = 60). Any accrued compensatory hours remaining at the end of the current fiscal year will be carried over into the next fiscal year. Non

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Maintenance or Tunnel employees shall not carry a balance of more than sixty (60) hours of accrued compensatory time.

Compensatory time used during an established work week shall not be counted as time worked for purposes of determining overtime. Compensatory time may not be earned and used within the same work week.

Unused compensatory time will be paid upon the employee’s separation from CDOT or movement into an exempt position. Appointing or approving authorities may require the use of accrued compensatory time. The accumulation of compensatory time shall be monitored by the section/unit supervisor who shall be responsible for its use or subsequent payment within the applicable time limits stated above.

Exempt Employees Time off for Additional Hours Worked:

Exempt employees are precluded from receiving cash payments for additional hours worked beyond the established work week. The salary level of exempt employees takes into account that it may be necessary for the employee to work additional hours. However, in unusual situations an exempt employee may be required to work significant amounts of additional hours for extended periods of time. In such circumstances, the appointing authority may award some time off. The exempt employee is not entitled to take time off on an hour for hour basis for each hour of additional time worked.

1. Employees in exempt positions are eligible to take time off at the sole discretion of the appointing authority, for additional hours worked beyond the normal work week in the following circumstances:

a. If the employee works hours on regularly scheduled days off in the employee’s established standard work week. This work should have been authorized in writing in advance, unless it is an emergency, by the appointing or approving authority on CDOT Form # 1220(a) (attached);

b. If the employee works a significant number of hours in the established work week, exclusive of the hours accrued under 1 (a) (above). “Significant” is defined as more than 5 hours over the regularly scheduled number of hours in the employee’s work week. Work must be authorized in advance by the appointing or approving authority using CDOT Form # 1220(a) (attached), unless, the work is determined by the appointing or approving authority to be of an emergency nature that threatens the health, safety, or welfare of the traveling public or CDOT resources.

2. All hours worked by the exempt employee shall be recorded on the timesheet whether or not time is granted off for additional hours worked.

3. The appointing or approving authority has the sole discretion to determine the number of hours that an exempt employee may take off after having worked significant additional hours as described in section 1 (a) and 1 (b) above, regardless of the total number of hours worked in the work week or during any other period of time. The appointing authority shall also determine when an exempt employee takes time off.

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a. All requests by exempt employees to take time off after having worked additional hours shall be submitted to the appointing authority using CDOT Form # 1220(a). Once the exempt time off has been approved, the time off hours shall be recorded on the SAP timesheet.

b. Exempt engineering personnel shall forfeit additional time accrued if not used by March 31st of each year. Exempt maintenance personnel shall forfeit additional time accrued if not used by October 31st of each year. All others, administrative, planning, etc., shall forfeit additional time accrued if not used by June 30 of each year. This ensures that each employee will begin the 12 month period with a zero balance. Forfeiture dates are determined by organizational unit rather than employee classification. That is, an organizational unit is designated as engineering, maintenance or other.

c. Upon termination from state service, exempt employees will not be paid cash, or be reimbursed in any manner for any additional time worked. The section/unit supervisor and approving authority shall periodically review the accumulation of additional hours worked by exempt personnel.

Review of Accumulation and Usage of Overtime Pay and Compensatory Time Off:

The appointing authority will periodically review the accumulation and usage of overtime pay and compensatory time earned and taken off by non-exempt employees and the accrual and usage of additional hours by exempt employees in their respective areas of authority. The Center of Human Resources and Payroll Office will coordinate the distribution of information required for the review described in this section.

Shift Differential for Non-Exempt Employees

In order to be paid shift differential, an employee must be in a position designated as non-exempt and:

1. Be in a classification designated as eligible for shift differential in the annual compensation plan, OR
2. Be in a position specifically approved for shift differential and assigned to work second or third shift on a continuous, long-range basis, that is, the shift work is more than incidental or short term.

Transportation Maintenance Worker III class CDOT-wide has been permanently assigned the shift differential eligibility. This is due to the fact that the position is expected to work various shifts to insure proper supervision at all times.

For those positions not designated as eligible for shift differential pay in the annual compensation plan, the supervisor must make a specific request. Specific requests can only be made for non-exempt positions. The Executive Director or designee may authorize positions for shift differential. This authority has been delegated to the Directors of Divisions and offices and RTDs, but may not be further delegated. To request that a position be considered for specific approval of shift differential pay, the supervisor submits a memo to the division director or RTD providing the following information:

- a. The position number and class title of the position assigned to shift differential hours.

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- b. The name and personnel number of the incumbent.
- c. The justification for requiring the position to work second or third shift.
- d. Whether the assignment to second or third shift is permanent or project related. If project related provide the project number, location and expected completion date.

If approved, the Division Director or RTD must forward the request to the Center for Human Resource Management (CHRM) for entry into SAP. CHRM will notify the requestor when the entry is completed. Shift differential eligibility cannot begin until the request has been approved and entered into SAP. It is the supervisor’s responsibility to ensure that the request is submitted timely. Specific shift differential requests will automatically end March 1st each year. If evening or night work will continue past March 1st a new request must be submitted. It is the supervisor’s responsibility to notify CHRM when a position is no longer assigned to work second or third shift.

SECOND SHIFT. One-half or more of the scheduled hours worked must be between 4:00 PM and 11:00 PM. The applicable differential rate for second shift shall be applied to the base salary rate for the hours worked. In the SAP system, any assigned work schedule that meets these criteria shall be fixed to pay the employee at the second shift differential rate for all hours worked within the assigned work schedule. Any hours worked outside of the employee’s assigned work schedule shall be compensated at the appropriate shift differential rate in which those hours were worked as evaluated on an hour-for-hour basis. It is imperative that the employee’s work schedule is accurate in SAP.

THIRD SHIFT. One-half or more of the scheduled hours worked must be between 11:00 PM and 6:00 AM. The applicable differential rate for third shift shall be applied to the base salary rate for the entire shift. In the SAP system, any assigned work schedule that meets this criterion shall be fixed to pay the employee at the third shift differential rate for all hours worked within the assigned SAP work schedule. Any hours worked outside of the employee’s assigned work schedule shall be compensated at the appropriate shift differential rate in which those hours were worked as evaluated on an hour-for-hour basis. It is imperative that the employee’s work schedule is accurate in SAP.

Shift differential shall not apply to paid leave or Holidays.

Pay for Exempt Employees Working 3rd Shift

The Department’s Incentive Pay Program allows a lump sum amount to be paid to exempt employees in the TOC, Civil Engineer Project Manager II (CEPM), Engineer-In-Training III, Professional Engineer I, LTC Ops I, and the Electrical Trades II classifications each month when the employee works at least 50% of their hours on third shift during a monthly period. This incentive recognizes the Department’s need to have qualified staff assigned to third shift on construction projects and at the Traffic Operations Center. The monthly incentive payments outlined below will be paid to the employee on the next regular payroll cycle.

	50% Third Shift	75% Third Shift
GP III, GP IV, LTC Ops I & Electrical Trades II	\$300.00	\$500.00
CEPM II, EIT III, & PE I	\$300.00	\$550.00

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To approve a position as eligible for incentive pay, the supervisor must make a specific request by March 1st each year. Specific requests can only be made for the classifications listed above. The Executive Director or designee may authorize individuals for incentive pay. This authority has been delegated to the Directors of Divisions and offices and RTDS, but may not be further delegated. To request that an individual be eligible for incentive pay, the supervisor submits a memo to the Division Director or RTD providing the following information:

- a. The position number and class title of the position assigned to nighttime work.
- b. The name and personnel number of the employee.
- c. The justification for requiring the position to work third shift.
- d. The duration and location of the nighttime assignment.

If approved, the Division Director or RTD must forward the request to the Center for Human Resource Management (CHRM) for entry into SAP. CHRM will notify the requestor when the entry is completed.

Specific shift differential requests will automatically end March 1st each year. If night work will continue past March 1st a new request must be submitted. It is the supervisor’s responsibility to notify CHRM when a position is no longer assigned to work third shift.

On Call

Authorization for On-Call Pay:

In order to be paid on-call, an employee must be in a position designated as eligible for on-call by:

1. Holding a classification designated as eligible for on-call in the annual compensation plan, OR
2. Holding a position which was specifically approved by CHRM for on-call through an evaluation of the job duties assignments documented on the position description questionnaire (PDQ). The request must be approved by the directors of divisions and offices.

CHRM and the directors of divisions and offices have identified and documented that the positions designated in the Tunnel and Maintenance Personnel Subareas who cover snowplow operations during snowstorms, cover standby for traffic signal emergencies and weekend coverage are eligible for on- call.

On-Call:

Approving authorities may request approval from the Division Director to designate certain essential non-exempt positions or classifications as “on-call” for the purposes of ensuring adequate coverage during periods of high work volume or criticality. Where possible, the approving authority should establish any predictable periods of high volume or criticality and notify employees of scheduled on-call shifts well in

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advance (as a guideline, non-emergency on-call schedules should be communicated a minimum of two weeks in advance). However, during emergencies, which could not reasonably be foreseen, such as a major rockslide, the approving authority is entitled to schedule employees “on-call” as needed. Supervisors should provide an equitable and reasonable means of rotating on-call among eligible employees; however, no employee has a right to be scheduled for on-call. Employees not scheduled for on-call must continue to satisfy subject-to-call requirements, if applicable. An employee designated as on-call must meet requirements established by the approving authority for maintaining means of contact and for returning to work. An employee who is scheduled for “on-call status” for a specific time period must provide a phone number where he/she can be reached and must be able to respond to emergencies “promptly” and ready to work. As a guideline, supervisors may require “on-call” employees to be reachable by phone, to be available to report to work within the 20-mile/30 minute criteria, and to refrain from any alcohol use during scheduled on-call status. Additionally, supervisors may require that the designated on-call employee be responsible for calling additional assistance if needed. Due to the significant additional restriction on his/her personal time, the on-call employee shall receive the amount established by the compensation survey for each hour they are scheduled on-call, less any time actually worked during the scheduled on-call time. Time scheduled as on-call does not count as hours worked in computing total hours for overtime purposes.

In callback situations, employees eligible for both on-call and call-back pay shall receive call-back pay only. For example, if an employee is scheduled to be on-call for a particular weekend 24 hours each day, he/she shall earn \$2 per hour (the current rate established by survey which may change with a new survey) from the end of the scheduled shift on Friday until the beginning of the scheduled shift on Monday. If that employee is actually called into work, on-call pay is suspended at the time compensable work time begins. Further, if the on-call employee is also eligible for call-back pay, a minimum of two hours compensable work time is guaranteed. On-call pay would resume at the time that compensable work time ended.

SUBJECT-TO-CALL:

A distinction is made between on-call and subject-to-call. Positions designated as “subject-to-call” remain subject to call even when they are not scheduled for on-call. They must continue to meet the subject to-call conditions established by the approving authority such as providing phone numbers where they can be reached and understanding that knowledge of an emergency constitutes notice to report to work.

An employee whose position is eligible for overtime compensation shall be eligible for call-back pay. The minimum compensation shall be for two hours at the employee’s standard rate of pay, subject to overtime policies. For example, an employee is called back to work for one hour. By definition, even though the employee only worked one hour, he/she is eligible to report two hours of compensable time. This time shall be counted as hours worked in computing total hours for overtime purposes.

Mandatory Timekeeping Provisions for Non-Exempt Employees:

All employees shall ensure that all hours worked are recorded in the SAP system with the appropriate cost center, WBS element, or work order codes for the activities performed.

The SAP system does not automatically calculate the payment of overtime. It will process all hours coded to 011 (either from a work order entry or directly onto the time sheet) as straight time. At the end of the employee’s established work week, the employee and supervisor shall determine whether more than 40

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hours have been recorded. When the timesheet does document more than 40 hours, timekeepers and employees will adjust the timesheet coding for hours in excess of the daily work schedule, for those unscheduled hours worked over 40 hours for the established work week to result in the appropriate overtime payment. Supervisors are not to approve a timesheet which does not contain proper coding. All timesheet adjustments and approvals must be performed by the approval deadlines.

Non-exempt employees, who have worked in excess of 40 hours during their established work week, shall be eligible for overtime payment. The overtime shall be charged to the project or activity on the day that caused the overtime. The timesheet coding needs to be adjusted with special coding for the appropriate overtime to be paid. The timesheet is completed with your regular coding strings.

Example #1: A non-exempt employee works more than 40 hours during his/her established work week.

A new entry shall be created for the non scheduled hours worked above 40 and assigned one of the following attendance codes.

014N/P employee overtime for non participating or participating hours

110P Use of compensatory time employee has banked

	A/A Code	Total hours	SAT	SUN	MON	TUE	WED	THUR	FRI
Work schedule hours		40	8	8	8	8	8	0	0
Entry for Reg hours worked	011N	40	8	8	8	8	8		
Entry for Overtime Hours worked	014N Or 110P	12	2	2				8	

EXAMPLES:

Example #2: A non-exempt essential employee works overtime early in an established work week, and then takes unpaid leave later in the established work week. The employee’s actual hours worked have not exceeded 40. No additional time coding is necessary. SAP will pay all timesheet entries at the regular rate unless the 014 N/P code is used to drive overtime payment. In this example any hours coded to 014N/P will be in error as the employee did not exceed 40 hours worked. Non-exempt employees, who have not worked more than 40 hours during their established work week, shall not be eligible for overtime payment.

Even though an employee may have worked more than the scheduled hours on a given day, no additional time entry is necessary if no more than 40 hours were worked during that established

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work week. In other words, when an employee flexes his/her hours within an established work week, the timesheet need not be re-coded to drive overtime payment using the overtime attendance codes because the employee is not eligible for overtime payment.

A non-exempt employee who works more than the daily scheduled time and wishes to take time off in the same work week instead of earning overtime must obtain advance approval from the supervisor.

Attendance codes may not be used to flex an employee’s hours worked over more than a single established work week.

	A/A Code	Total Hours	SAT	SUN	MON	TO	FROM	TUES	WED	THUR	FRI
Work schedule hours		40	0	0	8	6:00	14:40	8	8	8	8
Entry for hours worked	011N	40			12	6:00	18:30	8	8	8	4

Example #3:

A non-exempt nonessential employee works additional work time on Tuesday and Wednesday during a holiday week.

In such a case, the additional hours do not qualify for overtime because the nonessential employee did not work more than 40 hours in the week. The additional hours on Tuesday and Wednesday should not be re-coded using the overtime attendance codes on the timesheet. Instead, these hours should be coded to additional regular time participating or non-participating.

	A/A Code	Total Hours	MON	TUES	WED	THUR	FRI	SAT	SUN
Work schedule hours		40	holiday	8	8	8	8	0	0
Entry for hours worked	011N	32		8	8	8	8		
Entry for additional hours worked	051N	4		2	2				

Subject COMPENSATION FOR OVERTIME, ON-CALL, CALL-BACK, SHIFT DIFFERENTIAL, AND COMPENSATORY TIME	Number 1230.2
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IMPLEMENTATION:

This change in compensatory procedure is effective on July 1, 2009 and shall be implemented by all divisions and offices at the Colorado Department of Transportation. The procedure replaces the 2002 and 2004 Chief Engineer memos regarding on call, shift differential, and incentive pay for shift.

ENFORCEMENT:

Employees who fail to follow this Procedural Directive, who fail to obtain advance authorization for overtime, who fail to promptly report overtime worked, or who fail to report all hours worked may be subject to corrective or disciplinary action, up to and including termination. Supervisors who fail to closely supervise employees with respect to this Procedural Directive may also be subject to corrective or disciplinary action, up to and including termination.

FISCAL NOTE:

This is a revision of procedures. No additional fiscal impact will result from implementation. However, careful management of overtime, on-call, call-back, and shift differential is critical to avoiding excessive costs.

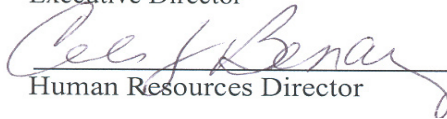
REVIEW DATE:

This Procedural Directive will be reviewed in 2011.



Executive Director

05/07/09


Human Resources Director

05/07/09

**COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)
NON-EXEMPT EMPLOYEE
COMPENSATORY TIME IN LIEU OF CASH OVERTIME PAYMENT AGREEMENT**

I, _____ agree to accept compensatory time off in lieu of cash payment for
Print name
overtime work performed by me for CDOT. I understand that the following conditions apply:

- That by signing this agreement, I acknowledge that I have read and understand the CDOT policy (1230.2) for overtime and compensatory time;
- That CDOT has the option to use either cash or compensatory time to pay the overtime work performed by me;
- That the rate of compensatory time off will be one-and-one half (1 1/2) hours for each hour of overtime worked;
- That, unless not approved by my supervisor, I agree to take all compensatory time off within the time frame established by State Personnel and CDOT procedures;
- That there is a limit on the number of compensatory hours that I can earn and a limit on the maximum balance. If I accidentally exceed these balances, I will take time off as soon as practical.
- That for non Maintenance employees compensatory time not taken will only be paid in cash upon separation from CDOT or movement to an exempt position.
- That for Maintenance or Tunnel employees compensatory time not taken before the end of the current fiscal year will be paid in cash through regular payroll processing.
- I have been trained and informed of the opportunity to receive compensatory time in lieu of payment.

Employee's Signature

SAP Personnel Number

Date

Supervisor's Signature

Title

Date

Appointing Authority

Title

Date

cc: Employee
Employee Personnel File

CDOT Form #1220
Revised 7/2009

**COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) EXEMPT
EMPLOYEE/APPROVAL TO WORK ADDITIONAL HOURS**

INSTRUCTIONS

All requests for exempt employees/work crews to work additional hours and to take time off for additional hours worked must be made using this form. Exempt employees ARE NOT entitled to receive any type of compensation or time off for working additional hours beyond their normal work week. The appointing authority may allow an exempt employee to take time off for additional hours worked according to Revised Procedural Directive 1230.2. Any approval to take time off for additional hours worked shall not be granted on an hour for hour basis for additional time worked.

Please complete the section (below) and submit it to your appointing or approving authority.

- (A) I, _____ an exempt employee of CDOT am requesting **authorization** to work ____ additional hours beyond my normal work hours during the time period of _____ to _____ (Time), on ___/___/___ to ___/___/___ (Date) for a total of _____ hours in addition to my regularly scheduled work week.
- (B) I, _____ approving authority or supervisor request permission to have the work crew, consisting of _____ exempt employees to work on project # _____ from _____ (date) to _____ (date). I anticipate that this project will require this crew to work _____ additional hours.
- (C) I, _____ approving authority, **APPROVE/DENY** (circle one), request (A) or (B) (circle one) above.
- (D) I, _____ appointing/approving authority **APPROVE/DENY** (circle one) that _____ **EXEMPT EMPLOYEE** or **WORK CREW** (circle one) is permitted to take _____ hours off for additional hours worked. The time off must be taken on ___/___/___ (date).

Employee Name Print: _____
Employee Sign/Date: _____
Supervisor or Approving Authority Print: _____
Supervisor or Approving Authority Sign/Date: _____

Appointing or Approving Authority Print: _____
Appointing or Approving Authority Sign/Date: _____

Cc: Employee

CDOT Form #1220a 3/08