



Ohio Administrative Code Rule 3337-40-49 Overtime for non-exempt employees.

Effective: October 12, 2022

The version of this rule that includes live links to associated resources is online at

<https://www.ohio.edu/policy/40-049.html>

(A) Overview

This policy ensures uniformity in awarding of overtime compensation.

All employees in non-exempt classifications are entitled to overtime compensation. The payment of overtime is governed by the Fair Labor Standards Act. All overtime must be authorized by the supervisor or department head or chair, in advance of work being performed, except in cases of emergency. Bargaining unit employees covered under a collective bargaining agreement should refer to their current contract for specifics of participation.

(B) Process

Employees in job classifications identified as non-exempt from overtime provisions of the Fair Labor Standards Act are entitled to overtime compensation for all hours in active pay status in excess of forty in any calendar week. For purposes of this policy "active pay status" is defined as all hours worked or approved as paid leave. Vacation, sick leave, holidays, and compensatory time off are included in the calculation of active pay status hours. Hours worked on a holiday are not counted in determining hours on active pay status for overtime purposes since these hours are already compensated at the premium rate of time and one half. (See policy 41.125.)

Overtime compensation is paid at the premium rate of one and one-half times an employee's total hourly rate of pay. The total hourly rate includes the base rate of pay plus any pay supplements. Overtime hours are reported on the employee's time report for the pay period in which they were earned, unless the employee elects to receive compensatory time off in lieu of cash payment.



Temporary hourly, non-exempt employees are not eligible to receive compensatory time off in lieu of overtime pay. Other hourly, non-exempt employees may elect to receive compensatory time off in lieu of overtime pay. Such compensatory time is also awarded at the premium rate of one and one-half hours of time off for each hour of overtime. A maximum accrual of four hundred eighty hours is permitted for intermittent employees; a maximum accrual of two hundred forty hours of compensatory time is permitted for other employees. When the maximum hours of compensatory time accrual is reached, compensation for overtime shall be made in cash.

Compensatory time cannot be accrued until the total hours for the week exceed forty. The number of hours requested to be accrued must not exceed the number of overtime hours worked during that week.

Use of compensatory time off must be scheduled with supervisory approval, and the time must be used within one hundred eighty days from the date it is earned. If arrangements cannot be made to take the compensatory time off within the one hundred eighty-day period, such compensatory time will then be paid in cash. University human resources shall post online, and make available via paper upon request, the processes for staff to elect and to use compensatory time.

If an employee terminates employment or transfers to another department, the compensatory time balance must be paid at the time of termination or transfer. Such cash payment shall be paid at a rate which is the higher of:

- (1) The final regular total hourly rate; or
- (2) The average regular total hourly rate received during the last three years of employment.