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3. Flex Time – Preventing overtime by allowing approved schedule changes that still result in an eighty (80) hour pay period for correctional officers or a forty (40) hour work week for all other non-exempt employees.
4. Hours Worked – That time a Division employee is performing business on the Division’s behalf. Hours worked do not include time scheduled off work for paid sick leave, annual leave, paid holidays, or unpaid time scheduled off work, including, but not limited to, disciplinary reasons or unpaid leaves of absence. These types of scheduled time off are not all-inclusive.
5. Non-uniformed employee – a Division employee who has a DOP job classification other than a correctional officer.
6. Overtime – The time a Division employee is performing business on the Division’s behalf, which:
 - a. Exceeds eighty (80) hours in the Division’s fourteen (14) day pay period for uniformed employee (correctional officer) assigned to a DJS residential facility. All hours worked in excess of eighty (80) hours will be compensable at one and one-half (1.5) times the employee’s regular hourly rate.
 - b. Exceeds forty (40) hours in the Division’s established workweek for non-uniformed employees in the Division’s residential, non-residential, and office locations. All hours worked in excess of forty (40) hours will be compensable at one and one-half (1.5) times the employee’s regular hourly rate.
7. Pay Period – effective November 16, 2015 – two (2) work weeks which runs for fourteen (14) consecutive days beginning at 0001 hours on Saturday and ending at 2400 hours on Friday.
8. Uniformed employee – a Division employee who has a DOP job classification of correctional officer.
9. Workday – Any portion of the twenty-four (24) hour calendar day that an employee is scheduled to work, for which the employee is compensated for hours worked. For example, an employee may be scheduled to work four (4) hours of the twenty-four (24) hour calendar day, or sixteen (16) hours of the twenty-four (24) hour calendar day. Either would constitute a “work day.”
10. Workweek – The designated workweek for the Division shall consist of seven (7) consecutive twenty-four (24) hour periods beginning at 0001 hours on Saturday and ending at 2400 hours on Friday.

PROCEDURES

1. Uniformed Employees

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- a. Uniformed employees assigned to a residential facility shall be scheduled to work a minimum of eighty (80) hours in a fourteen day schedule. Uniformed employees who are approved to work in excess of eighty (80) hours shall be compensated at the rate of one and one-half (1.5) times their normal rate of pay for all hours worked in excess of eighty (80) hours in the fourteen day schedule.
- b. Each work day will be comprised of at least eight (8) hours including a paid thirty (30) minute meal period.
- c. Facility Superintendents/Directors, upon approval of the Division Director, shall implement a work schedule that incorporates eighty hours in a fourteen day schedule.
- d. All overtime work for uniformed employees must be approved, in advance, by the Facility Superintendent/Director or his or her designee.

2. Non-Uniformed Employees

- a. Non-uniformed employees shall be scheduled to work a minimum of forty (40) hours in a Division workweek. Employees defined as non-exempt, and who are approved to work in excess of forty (40) hours, shall be compensated at the rate of one and one-half (1.5) times their normal rate of pay for all hours worked in excess of forty (40) hours.
- b. Hours of work for non-uniformed employees shall be established by the Facility Superintendent/Director or Division Director/designee. Each work day will be comprised of at least eight (8) hours including a paid thirty (30) minute meal period. Non-uniformed employees also have the option to work "flex time" (with the exception of a week consisting of a holiday, then five (5) eight (8)-hour days are required) which must be approved by the Facility Superintendent/Director or Division Director/designee.
- c. All overtime work for non-uniformed employees must be approved in advance by the Facility Superintendent/Director/designee or Division Director/designee.

3. General

- a. All employees' wages shall be in accordance with the compensation plan established for the positions occupied, but in no case shall the rates be less than the minimum wage established by law.
- b. Overtime compensation at one and one-half (1.5) times the regular hourly rate will be paid only for those hours worked in excess of eighty (80) hours in a pay period for uniformed staff, and only for those hours worked in excess forty (40) hours for non-uniformed staff in a work week.

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- c. Essential employees will be required to work their scheduled shifts during any inclement weather, state of emergency, or other directive affecting the State of West Virginia or the United States of America.

4. Employee Work Schedules

- a. Facility Superintendents/Directors or designees are authorized to develop employee work schedules, in accordance with the provisions of this and other applicable policies, to ensure that staff coverage is adequate to accomplish the work of the facility/Division. Employees may not deviate from their set schedule without prior approval from their supervisor.
- b. Scheduling of overtime is discouraged and justification must be provided, in advance, to the Division Director or designee. Prolonged staff shortages resulting in the scheduling of overtime will be considered a unique circumstance that will be addressed on a case by case basis.
- c. An employee will typically be relieved from his/her duty station for a daily meal period not to exceed thirty (30) minutes of paid time. When absences for paid or unpaid leave include the meal period, the appropriate leave must also be charged for the meal period. Meal periods are considered compensable work time and may not be accumulated or used to begin the work day later or end the work day earlier.
- d. If it is not possible to relieve the employee for his/her meal period, the employee may be required to eat at his/her duty station. An employee who has worked six (6) hours without an opportunity to eat, must be given a twenty (20) minute break at that time, absent an emergency situation.
- e. Eating at one's duty station does not entitle the employee to additional compensation, as he/she is being paid for a forty (40) hour workweek, to include paid meal periods.
- f. Supervisors must permit employees to have two fifteen (15) minute breaks per day, if work activities permit. These short break periods are considered compensable work time and may not be accumulated or used to begin the work day later, end the work day earlier, or extend meal periods. Break periods are forfeited if unused.
- g. All employees will clock in no more than seven (7) minutes prior to the beginning of the scheduled work time and no more than seven (7) minutes after the scheduled end of shift, unless otherwise authorized or relieved late, with written justification. Rotating shifts will be posted and schedules must be retained on record for a period of five years.

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- i. Early or late punches up to seven (7) minutes before and after each quarter of an hour shall be rounded to the nearest quarter of an hour when calculating hours worked for each shift. Punch in times and punch out times shall be rounded individually and NOT added together and then rounded. (i.e. a punch in time of 6:53 and a punch out time of 3:06 would constitute an 8 hour shift for the day. Likewise a punch in time of 7:05 and a punch out time of 2:54 would also constitute an 8 hour work day.)
- ii. Time clocks that are not already programmed to calculate hours worked in this manner will require manual calculation of hours worked for comparison to recorded hours on monthly timesheets and the submission of overtime hours worked for each pay period.

- h. Though time clocks afford a seven (7) minute window, consistent attendance and adherence to the scheduled start and end time for shifts is expected and any patterns of consistently clocking in after the start of scheduled shifts, clocking out before the end of scheduled shifts, or clocking in too early may be grounds for disciplinary action.

5. Leave Usage

- a. Employees whose regular day off falls on a business day during the week are encouraged to use their designated day off for personal business, scheduled medical/dental appointments, etc.
- b. Employees who call in to utilize sick leave for a day previously requested as annual and then denied will be required to provide a physician's excuse for that day upon their return to work.
- c. Full day absences will require an employee to charge leave in an amount equal to the number of hours in his/her regularly scheduled workday. Leave shall NEVER be used to extend an employee's compensation for:
 - i. A workweek beyond forty (40) hours for non-uniformed staff, or
 - ii. A pay period beyond eighty (80) hours for uniformed staff.
- d. Sick and/or annual leave requested in the same pay period in which additional hours are worked shall be reduced and credited back to the employee's accrued balances to reduce or avoid payment for hours in excess of the agency work schedule.
- e. Employees shall request leave for planned absences as soon as possible but no less than seven (7) days prior to the planned leave. Employees shall request sick leave in advance of taking the leave when requesting leave for routine dental and medical appointments.

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- f. Unplanned absences resulting in an employees work schedule falling below their scheduled hours shall be supported by the appropriate leave requested through the leave system. Supervisors shall review all requested leave for accuracy with time records as soon as possible, but no later than Tuesday. The absence of approved requested leave to account for all scheduled hours not worked shall be treated as unauthorized leave and shall be handled in accordance with the DOP Administrative Rule.

6. Holidays

- a. The ability to bank holidays shall be at the discretion of each Facility Superintendent/Director and providing that sufficient staffing levels will permit the scheduling of alternate days off without jeopardizing the safety and security of the facility and staff. If allowed, holidays will be scheduled:
 - i. Within the forty (40) hour work week for non-uniformed staff, and
 - ii. Within the eighty (80) hour pay period for uniformed staff.
- b. When an employee works on a holiday, every effort should be made to schedule each employee an alternate day off (8 hours) for a holiday during the holiday work week so long as minimum staffing requirements will allow. The alternative day off must be taken after the holiday has occurred.
- c. Holidays shall not be banked for use as an alternate day except when an employee has actually worked, excluding all leave, at least:
 - i. A full forty (40) hour workweek that includes a holiday for non-uniformed staff, or
 - ii. An eighty (80) hour pay period that includes a holiday for uniformed staff.
- d. Only full day holidays may be accrued and taken as an alternate day off. Half day holidays shall not be accrued and will be paid out as additional straight time.
- e. For holidays banked meeting the criteria above in (c), an employee may elect to have an alternate day off (8 hours) scheduled in lieu of having the holiday paid out. If any alternative day off cannot be accommodated within the timeframe allowed, the holiday will be paid out.
- f. Facilities scheduling ten (10) hour shifts shall have a leave application for two (2) hours of annual leave completed at the time that an alternate day is scheduled for each employee. Facilities scheduling twelve (12) hour shifts shall have a leave application for four (4) hours of annual leave completed at the time that an alternate day is scheduled for each employee. If the employee works additional hours during the workweek or pay period, as applicable, the annual leave will be credited back to his/her balances accordingly as provided in this policy.

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- g. If a non-uniformed employee uses sick or annual leave during a holiday work week, the holiday will be used instead of the annual or sick leave, as long as the holiday falls before the sick or annual leave is taken.
 - h. If a uniformed employee uses sick or annual leave during a holiday pay period, the holiday will be used instead of the annual or sick leave, as long as the holiday falls before the sick or annual leave is taken. Facilities scheduling ten (10) or twelve (12) hour shifts will have a sick/annual leave application for the time over the eight (8) hour holiday to cover the rest of the shift scheduled, as applicable.
7. All employees are required to accurately record all time worked and leave taken through the use of a time clock. Any employee leaving the facility for a meal period should record the meal period through the use of a sign out sheet.
 8. Falsification of work time records, including the omission of time worked shall result in disciplinary action, up to and including dismissal.
 9. Supervisors are required to review employee work time schedules and monitor time to ensure accuracy and to avoid unplanned overtime.
 10. Non-exempt employees who are projected to exceed forty (40) hours in a workweek or eighty (80) hours in the pay period, as applicable, may be directed to adjust/reduce their work schedule for the remainder of their work schedule. Supervisors are responsible for ensuring that the facility's and Division's mission is not compromised prior to approval and/or that adjusting the work schedules do not create other overtime liabilities.
 11. Supervisors may require employees to adjust (flex) their work schedules to avoid the accrual of overtime. All such adjustments must take place within the same workweek for non-uniformed staff and pay period for uniformed staff.
 12. Supervisors may use their discretion in authorizing overtime in extraordinary or emergency situations and to fill mandatory posts.
 - a. Overtime must be thoroughly documented by employees on a form with the following information:
 - i. name of staff performing overtime
 - ii. reason for overtime
 - iii. name of staff/position filled
 - iv. date and hours of overtime worked
 - v. supervisor requiring or authorizing overtime
 - vi. employee's supervisor's name and signature
 - b. Failure by an employee to provide an approved overtime form to payroll may result in delay in processing overtime and/or discipline.

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13. An exemption from minimum wage and overtime pay requirements is provided for any employee engaged in a bona fide professional, executive or administrative capacity (29 CFR, Part 541).
14. There will be no compensatory time given.
15. Time spent in meetings and training is generally counted as work time, unless all of the following criteria are met:
 - a. Attendance occurs outside the employee's regular working hours;
 - b. Attendance is voluntary;
 - c. The program, meeting, or lecture is not directly related to the employee's job; and
 - d. The employee performs no productive work related to his or her job while attending.
16. Travel Time – Normal travel time to and from work, even if the employee works at different work sites, is not considered work time; except as specified below:
 - a. Employees will only be paid actual travel time to any off-site training or work assignment, not to exceed the actual time it would take to travel from the facility to the work site.
 - b. If an employee must report to an alternate work location their work time starts at the time they would have left their primary work site to get to the alternative location.
 - c. Time spent by an employee in travel if it is part of their job duty is work time.
17. On-call Time - Time spent by an employee who is required to remain on call on the employer's premises or so close thereto that the time cannot be used for the employee's own purposes is considered work time.
18. Emergency call-outs: Emergency situations interpreted as being of a nature that poses a threat to the safety and/or security of staff, residents, or property of the state and must be justified and approved by Facility Superintendents/Directors on each occurrence.
 - a. Documentation of approval by Facility Superintendents/Directors for emergency call-outs shall be maintained for inspection by either internal or external audits.
 - b. Excluding the call-out of staff to cover shifts due to call-offs, the calling out of staff to report for an unscheduled shift shall be supported by a narrative of the emergency situation warranting the call-out.

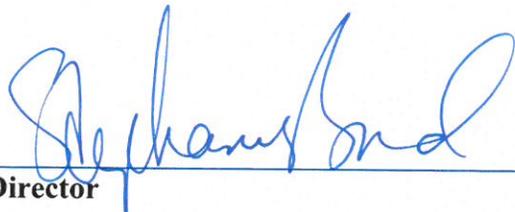
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- c. The narrative shall include a description of the event posing a threat to the safety and/or security of staff, residents, or property of the state along with the date, time, and staff involved in the decision to call-out someone to respond to the situation.
 - d. When called-out in an emergency situation, employees should clock in and out, if the situation allows, just as they would for any other shift.
19. Employees with the Division of Juvenile Services will receive all state legal holidays, in accordance with WV Code §2.2.1.
20. Each facility will adopt this policy in its entirety to ensure the standards and practices of this policy are followed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, with one (1) pay period's notice, unless prohibited by law.

APPROVED:



Director **Date**

7/1/16