


Idaho Department of Correction 	Standard Operating Procedure Human Resource Services	Control Number: 206.07.01.001	Version: 1.9	Page Number: 1 of 16
		Title: Attendance and Hours of Work		Adopted: 1-15-2010 Reviewed: 8-26-2010

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BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY STATEMENT NUMBER 206

Attendance, Work Hours, Leaves, and Workers' Compensation

POLICY DOCUMENT NUMBER 206

Attendance, Work Hours, Leaves, and Workers' Compensation

DEFINITIONS

Break: A period of time, up to 15 minutes, that an employee may be granted for non-work related matters without counting the time against any leave balances. The Idaho Department of Correction (IDOC) is not required to establish or offer breaks.

Classified Employee: Any person appointed to or holding a position in any State of Idaho agency, which position is subject to the provisions of the merit examination, selection, retention, promotion, and dismissal requirements of Idaho Code.

Compensatory Time (Comp-time): Overtime that is unpaid and become hours that accumulate in an earned leave balance for the employee to take time off work with pay at a later date.

Compressed Work Week: The total hours scheduled in a work week that are condensed into fewer days, such as four 10 hour days rather than five 8 hour days.

EAP: An Idaho Department of Correction (IDOC) timesheet code used to authorize the payment of cash for listed earned administrative leave (EAL).

Earned Administrative Leave (EAL): A time code used to reflect hours worked that have not yet met the definition of overtime, yet need to be tracked, accrued or compensated. EAL earned is always hour-for-hour when converted to accruals or when paid in cash. EAL applies to law enforcement (L) coded positions only (e.g., correctional and probation and parole officers).

Exempt (Non-covered) Employee: Any employee (classified or non-classified) not entitled to cash compensation for overtime under applicable federal law. This employee earns hour-for-hour when converted to compensatory time (comp-time).

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Flextime: The flexible scheduling of hours in a day for the purpose of permitting variations in starting times, meal periods, and departure times from an authorized work schedule.

Full-time Employee: An employee who is scheduled to work a 40 hour work week in an assigned full-time position. For law enforcement (L) coded positions (e.g., correctional and probation and parole officers), this is an employee who is scheduled to work 160 hours in a 28 consecutive day period.

Hours Worked: Hours actually spent in the performance of the employee's job, excluding holidays, vacation, sick leave or other approved leaves of absence, and excluding on-call time.

Manager: An employee appointed to manage, direct, and control a designated work unit. Managers include division chiefs, deputy division chiefs, facility heads, deputy wardens (or second-in-commands), district managers, designated lieutenants, program managers, or any appointed unit manager.

Meal Period: A period of time (generally 30 minutes to one hour) when an employee is relieved of performing all duties during his scheduled work day for a meal or mealtime.

Non-exempt (Covered)Employee: Any employee covered under the Fair Labor Standards Act (FLSA) overtime provisions who is subject to being paid cash or accruing overtime at one and one-half (1 ½) times his hourly rate of pay for overtime worked.

Non-productive Hours: Hours that are recorded but not for the production of work. Examples include: administrative leave taken with pay (ADT); compensatory time (comp-time) taken (CPT); earned administrative leave taken (EAT); Family and Medical Leave Act (FMLA) leave with comp-time (FMC); FMLA leave with sick (FMS); FMLA leave with vacation (FMV); FMLA leave without pay (FML); furlough leave without pay (LWF); jury duty (JUR); leave without pay –other (LWO); military leave taken (MLT); sick leave taken (SIC); and vacation leave taken (VAC).

Overtime: Hours worked on holidays, and hours worked in excess of 40 hours in a set work week. For law enforcement (L) coded positions (e.g., correctional and probation and parole officers), overtime is hours worked in excess of 160 hours in a 28 consecutive day period. Excluded are hours such as traded time and occasional or sporadic work that is specifically excluded under federal law.

Portal-to-Portal: Time spent from the employee's arrival at the worksite to where the employee actually performs work (e.g., from arrival in the parking lot, to entering the facility and through security, to arrival at his office, cubicle, post, etc.). This also includes the time spent replacing and removing equipment (e.g., duty belt, badge, and radio) or leaving his office, cubicle, post, etc. for departing the worksite. This time does not constitute hours of work and is not compensable.

Scheduled Absence: An absence that is known, requested, and approved in advance within acceptable time lines by the employee's supervisor (or designee).

Unscheduled Absence: An absence that occurs suddenly and is taken without advance notification or approval (e.g., an unplanned illness, the failure to report to work as scheduled, tardiness, an on-the-job accident, leaving a post early, abandoning a post or job, being placed on leave without pay due to an investigation, etc.).

Work Day: The period between the time on any particular day when an employee begins to perform his primary work duties and the time on that day when he ends his primary work duties.

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Work Week: A period of seven consecutive days beginning 12:01 a.m. Sunday and ending 12:00 p.m. Saturday.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines, procedures, and expectations to consistently manage employee attendance and hours of work in accordance with applicable federal law, State of Idaho statutes, and Idaho Administrative Procedure Act (IDAPA) rules of the Division of Human Resources (DHR) and Personnel Commission.

SCOPE

This SOP applies to all Idaho Department of Correction (IDOC) employees.

RESPONSIBILITY

Director of Human Resource Services (HRS)

The director of HRS (or designee) is responsible for:

- Providing guidance and interpretation to ensure compliance with the Fair Labor Standards Act (FLSA) (29 USC 201 et seq.)
- Fulfilling the expectations provided herein

Division Chiefs

Division chiefs (or designees) are responsible for ensuring all attendance and hours of work (including overtime) procedures are administered and performed in accordance with the FLSA and as provided herein.

Deputy Division Chiefs

Deputy division chiefs (or designees) are responsible for ensuring all assigned units are in compliance with guidance provided herein.

Deputy Chief (Budget and Payroll)

The deputy chief with oversight over budget and payroll (or designee) is responsible for:

- Determining available overtime funds for all units
- Generating and distributing the unit funds report
- Monitoring spent overtime budget
- Making budget reconciliation and corrections where needed

Facility Heads

Facility heads (or designees) are responsible for:

- Overseeing and ensuring attendance and hours of work procedures comply with the guidance provided herein
- Approving overtime budget

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- Functioning as the approving authority for overtime for cash payment, when needed

Deputy Wardens (or Second-in-Commands)

Deputy wardens (or second-in-commands) are responsible for:

- Implementing attendance and overtime plan for the facility
- Directing the cash for overtime plan within the facility
- Authorizing compensatory time (comp-time) for cash, when requested
- Resolving attendance issues
- Functioning as the final granting authority for overtime conducted in a facility, as needed. (Deputy wardens may delegate final granting authority to another staff deputy warden.)

Managers

Managers (or designees) are responsible for:

- Planning work schedules
- Ensuring that supervisors and employees adhere to the procedures provided herein as directed
- Setting or approving overtime budget
- Directing others in ensuring compliance to overtime standards and processes
- Functioning as the final granting authority for conducting overtime for a unit, as needed. (Managers may delegate final granting authority to another staff manager.)

Shift Commanders

Shift commanders (or designees) who staffs, directs, and supervises the assigned shift employees are responsible for:

- Selecting staff to perform overtime
- Authorizing overtime
- Certifying overtime completed

Budget and Payroll Staff

In some cases, budget and payroll staff are responsible for:

- Obtaining units financial report of overtime funds
- Collaborating with the deputy warden or manager (or equivalents)
- Setting overtime budget by shift or for unit
- Monitoring hours and expenditures
- Reporting compliance or variances

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Supervisors

Supervisors (or designees) are responsible for:

- Managing work schedules, leave accruals, and timesheet authorization
- Checking and reviewing I-time timesheet comments, and verifying with the documented approver of overtime (e.g., deputy warden, shift commander, or manager) that overtime was actually approved, (this must be done prior to approving the timesheet)
- Training employees and enforcing the rules, guidance, and procedures provided herein

Note: I-time refers to the State of Idaho’s online time entry system.

Payroll Specialist

The payroll specialist (assigned to the Division of Management Services) is responsible for reviewing and processing I-time submissions, overtime accruals, and cash requests and centrally making overtime adjustments, as needed.

Employees

Employees are responsible for:

- Reporting to work on time as scheduled
- Being prepared to work
- Accurately reporting their work and leave time in I-time
- Documenting in I-time the approver’s approval to work overtime (e.g., the deputy warden, shift commander, manager, or supervisor’s name **and** the number of overtime hours approved)
- Complying with the procedures provided herein

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GENERAL REQUIREMENTS

1. Attendance

All employees are expected to be at their workstation on time, as scheduled, and prepared to work.

An employee will notify his supervisor (or designee) of any unscheduled absences within acceptable time lines as defined by his supervisor, immediate manager, or designee.

Failure to report for duty at the assigned time or place or the improper use of sick leave privileges will result in corrective or disciplinary action in accordance with SOP [205.07.01.001](#), *Corrective and Disciplinary Action*.

2. Fair Labor Standards Act (FLSA) (29 USC 201 et seq.)

FLSA was enacted by Congress in 1938 and is under federal wage and hour statutes. The IDOC will adhere to the FLSA, which establishes standards affecting employees in the private sector and in federal, state, and local governments.

One (1) of the requirements of the FLSA is for the State of Idaho's DHR to determine the exemption status of each position. There are two (2) types of exemptions under the FLSA overtime provisions: exempt (non-covered) and non-exempt (covered).

A non-exempt (covered) employee will be compensated for all overtime worked either in cash or in the form of comp-time.

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Non-exempt (covered) employees generally perform operational functions such as routine clerical duties, maintenance work, and checking and inspecting equipment.

An exempt (non-covered) employee is not paid for overtime worked.

There are three (3) categories under which an employee may be considered exempt (non-covered): administrative (A), executive (E), and professional (P).

- **Administrative (A)**—The administrative exemption is for non-manual or office work directly related to management policies or general business administration. Positions customarily and regularly exercise independent judgment and discretion more than 50% of the time. Work is performed under general supervision and may require special training, experience, or knowledge. In Idaho state government, this position receives overtime compensation in the form of comp-time for each hour of overtime worked.
- **Executive (E)**—The executive exemption is for positions whose primary duty is management of a department or subdivision in addition to exercising independent judgment and discretion more than 50% of the time. Under the executive exemption, positions will directly supervise two (2) or more full-time employees and have the ability to make employment and disciplinary decisions. In Idaho state government, this position does not receive overtime or comp-time.
- **Professional (P)**—The professional exemption is for work that requires an advanced degree and that is original or creative in nature. Independent judgment and discretion will be exercised in these positions more than 50% of the time. In addition, certain computer professions will be considered exempt (non-covered) under the professional exemption when they meet certain criteria and are paid on a salary basis or an hourly basis that is at least twenty-seven dollars and sixty-three cents (\$27.63) and hour. In Idaho state government, this position receives overtime compensation in the form of comp-time for overtime worked.

More flexibility in scheduling occurs with exempt (non-covered) employees, but all hours worked will be reported. An exception to this is executive (E) employees who are only required to report paid leave taken over four (4) hours. If meal periods are interrupted, only actual time worked is reported. All leave usage will be coded to the proper code for all hours taken.

The following applies to all employees of the IDOC regardless of classification or exemption status:

- **No volunteer duty**—Employees will not volunteer their time in this or other State of Idaho agencies if they would be performing work similar to their primary State of Idaho job.
- **Working off the clock is prohibited**—Employees and supervisors who permit or engage in working without reporting such time are subject to corrective or disciplinary action in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*. (Also see Section 7.)

3. Time Reporting

The IDOC is required by law to maintain accurate records of time worked and leaves taken. Therefore, responsibilities are outlined as follows:

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- The employee will enter his actual time worked and leave usage in I-time, the State of Idaho's online time entry system, which serves as the timesheet record
- The supervisor, immediate manager, or designee will ensure accuracy of the employee's timesheet record
- Supervisors (or designees) are responsible for counseling employees regarding the proper and improper usage and reporting of time. If an employee is found to have entered a false time or code (see policy [217](#), *Ethics and Standards of Conduct*) they are subject to corrective or disciplinary action in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*

All hours worked, whether authorized or unauthorized, overtime, or scheduled, will be recorded on the employee's time sheet, and approved by his supervisor (or designee). Failure to report time as indicated is a violation of this SOP.

All work and leaves will be reported in hours and fractions of hours. Calculation of time less than one (1) hour will be measured in tenths of an hour, single digit only. The following table reflects how time will be reported when an employee has a fraction of an hour to code for timesheet purposes:

New Coding Requirements:	
Minutes worked less than one hour	Enter on a time sheet as:
1 – 6 minutes	.1
7 – 12 minutes	.2
13 – 18 minutes	.3
19 – 24 minutes	.4
25 – 30 minutes	.5
31 – 36 minutes	.6
37 – 42 minutes	.7
43 – 48 minutes	.8
49 – 54 minutes	.9
55 – 60 minutes	1.0

Tardiness

An employee is tardy when he arrives at his assigned workstation after the scheduled start time. When an employee is tardy it can be grounds for corrective or disciplinary action in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*.

Note: Portal-to-portal time will not be used as an excuse for tardiness.

For extenuating circumstances, or valid reasons beyond the control of the employee, his supervisor (or designee) may allow him flextime within that week.

Managers, supervisors, or designees will be consistent and fair to all employees when allowing flextime (see section 6).

4. Work Week and Business Hours of Operation

Managers (or designees) will ensure that employee work schedules are first established using the work week (as defined herein). Managers (or designees) may further establish shifts and work schedules to meet operational needs.

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Administrative Functions

The business hours of operation for all administrative functions are from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Managers (or designees) will ensure that the work week and business hours of operation for all administrative functions are in compliance with the work week (as defined herein) and administrative function business hours of operation.

Non-administrative Functions

The business hours of operation for all non-administrative functions at correctional facilities and community work centers (CWCs) are 24 hours a day, seven (7) days a week.

5. Failure to Report to Work (Job Abandonment)

An employee who fails to report to work as scheduled and fails to give any reasons for not reporting to work for five (5) consecutive work days will be subject to separation for job abandonment. This includes employees who have been released to return to work by their medical provider but fail to return within five (5) consecutive work days or give notice.

Before being separated, the employee's immediate manager (or designee) will send a registered written notice to the employee's last known address indicating that the job abandonment will be recorded as voluntary resignation and allow five (5) consecutive work days from the receipt of service for the employee to respond.

If an objection is not received within five (5) consecutive work days of receiving the notice, then the resignation is considered accepted. If the objection is received within the timeline, then disciplinary action will be pursued in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*.

6. Hours of Work

Work Schedules

Employee work schedules are established and approved by managers (or designees). The employee's immediate manager (or designee) defines the facility's shift cycles, the employees' work schedules, days and hours to work, and reporting times. Changes to the work schedule are made at the discretion of the employee's immediate manager (or designee) in accordance with IDOC policies and procedures.

All employees will be assigned a work schedule, by their immediate manager, supervisor, or designee, which reflects their work week and hours.

The supervisor (or designee) will approve any scheduled absences or deviations from the employee's work schedule within the work week – in advance. For example, if an employee's schedule includes a one (1) hour meal period and the employee needs to leave early, the supervisor (or designee) can grant a one-half (1/2) hour meal period; or, if an employee needs to work six (6) hours one (1) day and 10 hours the next day, the change will be approved in advance by his supervisor (or designee).

If a work week, shift, or work schedule is not defined for an employee, the work week or shift defaults to a 40 hour work week with the standard hours and days of work.

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Leave Sequence

Leave shall be taken **in the following order, provided doing so does not cause the employee to lose vacation leave due to the maximum accrual limits:** (1) comp-time, (2) on-call leave (if eligible), and (3) vacation leave.

Meal Periods and Breaks

Meal Periods

Great care will be taken to ensure non-exempt (covered) employees do not eat meals at their desks and continue to work or be interrupted by work requests, phone calls, etc. If such work is expected or permitted by the supervisor (or designee), the entire meal period will be considered work time.

By FLSA standards, law enforcement (L) coded positions (e.g., correctional and probation and parole officers) are not required to have a meal period. These employees are allowed to eat when they can during their eight (8) hour assigned shift; no meal period is provided.

If an employee is scheduled a meal period, his immediate manager (or designee) will set the amount of time allowed and also include the specific start time for each employee.

Example: An officer who works from 8 a.m. to 4:30 p.m. and is granted a meal period of 30 minutes will not be allowed to report the meal period as work time. The officer will be compensated for an eight (8) hour work day only. However, if the officer's meal period was cut short (i.e., the officer did not receive at least 20 minutes to eat his meal because of a work-related need, or if the officer is frequently interrupted for work-related reasons), the officer will be able to report the meal period as work time and he will be compensated for an eight and one-half (8 1/2) hour work day.

Example: An officer who works from 8 a.m. to 4 p.m. and eats while on post or eats while working will be compensated for an eight (8) hour work day only. This same officer, working the same hours, may be allowed to eat in a break room as long as he returns to work within 20 minutes. If the officer takes longer than 20 minutes, the extra time will not be reported as work time.

Breaks

If offered, breaks are compensated as part of the work day and will be limited to two (2) per eight (8) hour shift, to be structured as follows:

- Not to exceed 15 minutes per break
- Not to be used to extend meal periods
- Not to be connected to arrival or departure time
- In no case will breaks be used to increase actual time worked

Note: Managers (or designees) will establish the practice to be followed for their unit in granting breaks.

Travel Time

Travel time between home and the employee's official workstation is a normal incident of employment and not considered hours worked. Employees required to travel from their

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assigned work location to another work location to perform work will have such travel time considered as hours worked.

Employees directed as part of their job to travel during non-scheduled (evening, weekends) hours, are eligible for hours worked for the travel time 'en route' hours only. Travel from home to the airport is not compensated.

Work assignments that require an employee to stay over a weekend or overnight(s) will qualify for expenses, but time will not be compensated beyond travel and actual hours worked.

Managers (or designees) are responsible for ensuring that travel time, modes of travel, and hours worked away from the worksite are advantageous to State of Idaho resources.

Note: State of Idaho travel policies are governed by the State of Idaho's Board of Examiners and can be obtained by visiting the State of Idaho's Office of the State Controller website.

Flextime, Compressed Work Week, and Flexplace (Telecommuting)

In addition to maintaining the work week schedule and business hours of operation (see section 4), managers (or designees) may make flextime, compressed work weeks, or flexplace (telecommuting) arrangements with employees to meet internal operational needs.

Where possible, all unit employees within a similar job classification will be granted the same opportunity for flextime, compressed work weeks, and flexplace (telecommuting).

The general use of flextime, compressed work weeks, or flexplace (telecommuting) arrangements requires written approval from the appropriate deputy chief (or designee).

Flextime, compressed work weeks, or flexplace (telecommuting) arrangements are used primarily to meet IDOC work load demands and are not to meet employee desires. Once a unit is granted the use of flextime, compressed work weeks, or flexplace (telecommuting), the employee's immediate manager (or designee) is responsible for creating a new work schedule and ensuring that the new schedule is properly used.

Managers (or designees) will assure that all flextime and compressed work week schedules are adjusted for weeks which have a holiday. No employee will be paid in excess of an eight (8) hour holiday benefit per holiday (see SOP [206.07.01.002](#), *Paid Leaves*).

The flexplace (telecommuting) option is a job assignment and not a benefit of employment. Employees are not entitled to telecommute. Any flexplace (telecommuting) assignments will have a written, approved memorandum of understanding (MOU) outlining the parameters, equipment, risks, and responsibilities from the appropriate deputy chief, who will consult with both the Division of Management Services and HRS. This includes situations to accommodate temporary, modified duty work due to medical conditions.

Work Cycle

Security Staff or Law Enforcement (L) Coded Positions

For employees engaged in offender management (security staff) or in law enforcement (L) coded positions, managers (or designees) defines the facility's shift cycles, the

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employees' work schedule, which days within a week to work, hours of work per day, and reporting times. This responsibility includes adhering to the seniority and staffing procedures outlined in SOP [216.02.01.002](#), *Seniority and Staffing*.

Facility heads (or designees) have the authority to restrict or alter schedules to ensure a safe, orderly and secure workplace and designate posts that are exempt from the provisions of SOP 216.02.01.002. Otherwise, changes to the work schedule are made at the discretion of the employee's immediate manager (or designee) in accordance with all IDOC policies and procedures.

Non-security Staff

As an exception to the above requirements only, facility heads, managers, or designees who have non-security staff, who work normal work weeks and are permanently assigned to security facilities, can also set their days and hours of work as needed to meet work load demands.

Vocational Work Projects - Hours of Work

For approved vocational work projects crews at correctional facilities, the work week cycle is defined by the employee's immediate manager (or designee) of the sponsoring facility unless specified in a signed contract that establishes the crew schedule. The employee's immediate manager (or designee) may also delegate this authority to the vocational work projects lieutenant (or designee).

When vocational work projects staff work overtime, hours are normally accrued unless the work project contract specifies cash payment for overtime. The employee will record all hours worked and document overtime in the comments section of I-time. The employee's immediate manager (or designee) will review the comments and approve all overtime worked.

If a work projects crew is required to work overnight or perform weekend work while supervising offenders, supervising officers will ensure that crew members work no more than 16 work hours per day, with the exception of emergency situations.

Vocational Work Projects - Fire Crews

IDOC employees chosen to work on fire crews are authorized to work no more than 16 hours per work day for working on fire lines, traveling, and offender control during off-work hours. The remaining eight (8) hours (or more) are for meals, relaxation, and sleep barring emergency or necessary requirements to perform work.

Additional work that exceeds 16 hours a day will be documented in I-time and approved by the employee's immediate manager (or designee) in advance whenever possible. Overtime worked for fire crews are normally reimbursed by cash payment, or as governed by the contract.

Before any IDOC employee fire crew member can commence the assignment, he will sign an [Hours Worked Agreement](#) reflecting his understanding of IDOC overtime standards and expectations for fire crews. The fire crew member's immediate manager (or designee) will ensure that each IDOC employee fire crew member obtains, signs, and submits the agreement to HRS each year.

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Time Worked for More than One (1) State of Idaho Agency

The State of Idaho is considered a single employer for determining the number of hours worked. If an employee works for more than one (1) State of Idaho agency, the employee's combined work hours will be subject to applicable State of Idaho statutes and the IDAPA rules of the DHR and Personnel Commission that govern overtime.

7. Overtime

Overtime

Based on the employee's FLSA work classification, overtime is incurred when:

- Hours worked are in excess of 40 hours worked in a work week; or
- Hours worked for law enforcement (L) coded positions (e.g., correctional and probation and parole officers) are in excess of 160 hours in a 28 consecutive day period.

Note: With the exception of holiday leave, other leaves will not be used if it results in hours in excess of the employee's regularly scheduled work week.

Overtime Reporting

Employees are not authorized to work overtime without permission.

Anticipated overtime will be approved by the employee's supervisor (or designee) in advance or at the time of request unless there is an emergency. All overtime worked will be documented in the 'comments' section of I-time and approved by the supervisor (or designee) before being compensated in cash or by comp-time.

Supervisors (or designees) will approve employees' actual total hours worked in addition to authorized leaves or paid non-productive hours granted on each bi-weekly time sheet, whether the hours worked become overtime, or not.

Employees who accrue unauthorized overtime are (1) in violation of this SOP and (2) subject to corrective or disciplinary action in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*.

Overtime Accrual Limitation

Employees will not be allowed to accrue more than 240 hours of overtime, unless they are in law enforcement (L) coded positions (e.g. correctional and probation and parole officers). Those who are in law enforcement (L) coded positions will be allowed to accrue up to 480 hours.

Overtime exceeding these limitations will be dispersed as followed:

- Non-exempt (covered) employees (to include employees in law enforcement (L) coded positions—Cash.
- Exempt (non-covered) employees—Hours will be used or overtime will not accrue.

To avoid overtime accrual, the supervisor (or designee) may alter the employee's work schedule, within the work week, to the extent that the employee may take an equal amount of time off within the same work week. For example, an employee can take off four (4) hours on Friday because the employee worked four extra hours on Tuesday of the same work week.

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Accruals Over Six (6) Months

For non-exempt (covered) employees, comp-time earned during any one-half (1/2) of the fiscal year but not taken off by the end of the succeeding one-half (1/2) year will be paid in cash following the first payroll period following the close of such succeeding one-half (1/2) year. Cash payments will be at the salary rate in effect at the time of payoff. Bi-yearly end dates are the end of June and the end of December of each year.

Exempt (non-covered) employee comp-time accrues indefinitely. However, the IDOC Leadership Team directs that comp-time will be minimized to meet organizational needs.

Note: The Leadership Team consists of the director of the IDOC, four division chiefs, director of HRS, and the director's administrative support manager.

Managers (or designees) will mandate use of accrued comp-time based on operational needs.

To be relieved for accrued comp-time, supervisors (or designees) and employees will work cooperatively to select dates that will least interfere with normal division services. Employee preference will be supported, if possible.

Managers (or designees) are responsible to control comp-time in accordance with the State of Idaho's Office of the State Controller's payroll correspondence dated and titled *6/24/09, Automatic Prior 6-month Comp Time Payoff (I.C.67-5328)*, and with these overtime procedures. (The correspondence can be obtained by visiting the State of Idaho's Office of the State Controller website.)

Overtime Accruals upon Transfer or Separation

Non-exempt (covered) employees who transfer to another State of Idaho agency, or are separated from State of Idaho service by the IDOC, are to have all accumulated comp-time (earned administrative leave [EAL] for employees in law enforcement (L) coded positions [e.g., correctional and probation and parole officers]) paid off at the time of transfer or separation at the salary rate assigned to the employee at the time of transfer or separation. All comp-time, vacation leave, or EAL paid at the time of transfer or separation will not be reinstated upon a future rehire or reinstatement.

When exempt (non-covered) employees transfer to another State of Idaho agency or separate from the IDOC, their comp-time is forfeited at the time of transfer or separation and is not recoverable should the employee be rehired or reinstated.

Cash Payment for Overtime

Cash payment for earned overtime is an option available to the IDOC and may be granted as specified funding is available for special projects. Cash payment for employee overtime will be pre-approved and only non-exempt (covered) employees or those in law enforcement (L) coded positions (e.g., correctional and probation and parole officers) are eligible. Cash for overtime is not an employee entitlement but is a tool to assist managers (or designees) in managing personnel cost resources.

The employee's immediate manager (or designee) will decide the number of hours or available funds for overtime compensation for a particular period of time. Cash payment can only be authorized when sufficient funds are identified and available. When there are insufficient funds, cash for overtime is suspended until funds again become available.

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When the IDOC makes a determination to provide cash for overtime, a fair system will be established for selecting who will be authorized for cash payment, who can approve cash for overtime worked, and when cash for overtime is suspended.

Overtime accrued prior to January 1, 2004 will not be eligible for cash compensation.

Managers (or designees) with sufficient overtime funds may elect to pay cash for special work needs, additional training meetings, or authorized events where overtime will most likely occur from attending the function by the employees and there is a need to minimize the accrual of overtime.

Cash for EAL (Law Enforcement [L] Coded Positions Only)

EAL is earned and used through the accrual system. Only when the IDOC determines that EAL can be paid in cash, will EAL be authorized for cash payment, unless the employee is separated from State of Idaho service. Then all EAL is paid in cash compensation on the last pay period.

While EAL accrues hour-for-hour, it functions the same as comp-time. It accrues to the overtime EAL balance and can be used to take time off at a later date, with the employee's immediate manager's (or designee's) permission. EAL is payable in cash but will be approved for cash payment (in advance) and using the same procedure for cash for overtime (see the above subsection titled Cash Payment for Overtime).

For employees in law enforcement (L) coded positions (e.g. correctional and probation and parole officers), managers (or designees) will not pay off EAL in cash using the mid-cycle EAL balance hours. During this cycle, the State of Idaho's Office of the State Controller holds all EAL awaiting the end-cycle timesheet hours in order to calculate overtime during the 160 hour period. At the conclusion of the pay period end-cycle, EAL is subject to continual accrual unless the employee's immediate manager (or designee) approves cash compensation.

EAL for cash compensation will be coded as EAP (see definitions) on the employee's time sheet. These hours will be listed on the employee's EAL balance report using the end-cycle posted hours.

Holiday Overtime

Hours worked on a holiday are overtime and are calculated for pay purposes in accordance with the employee's FLSA eligibility criteria at either straight time or at time and one-half (1/2) for that day. These hours worked are then added to the paid 'holiday hours' granted to each employee as a paid holiday and become the basis for total compensation for that day.

Actual hours worked on a holiday will be included in the calculation of actual hours worked for that work week (or work cycle) for determining overtime but excludes the paid holiday hours.

At the discretion of the director of the IDOC (or designee), holiday hours worked can be accrued as comp-time or be paid in cash for non-exempt (covered) employees. This is subject to change as determined by the IDOC Leadership Team or as a result of budgetary constraints.

Note: The Leadership Team consists of the director of the IDOC, four (4) division chiefs, director of HRS, and the director's administrative support manager.

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Overtime Waiver

Any agreement made between an employee and supervisor (or designee) to waive overtime compensation is a violation of this SOP and both are subject to corrective or disciplinary action in accordance with SOP 205.07.01.001, *Corrective and Disciplinary Action*.

REFERENCES

Code of Federal Regulation, Title 29, Chapter V, Part 541, *Defining and Delimiting the Exceptions for Executive, Administrative, Professional, Computer and Outside Sales Employees*

Department Policy 217, *Ethics and Standards of Conduct*

[*Hours Worked Agreement*](#)

Idaho Code 59-1607, *Hours of Work and Overtime*

Idaho Code 67-5302, *Definitions*

Idaho Code 67-5303(J), *Application to State Employees*

Idaho Code 67-5328, *Hours of Work and Overtime*

Idaho Code 67-5333, *Sick Leave*

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 23, *Bona Fide Occupational Qualification*

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 24, *Conflict of Interest and Personal Conduct*

Standard Operating Procedure 202.07.01.001, *Compensation Plan*

Standard Operating Procedure 205.07.01.001, *Corrective and Disciplinary Action*

Standard Operating Procedure 206.07.01.002, *Paid Leaves*

Standard Operating Procedure 216.02.01.002, *Staffing Security: Seniority, Post, Vacation, and Scheduled Management*

Standard Operating Procedure 611.02.01.002, *Vocational Work Projects: Staffing Procedures for*

State of Idaho, Division of Human Resources (www.dhr.idaho.gov)

State of Idaho, Office of the State Controller (www.sco.idaho.gov)

United States Code, Title 29, Chapter 8, *Fair Labor Standards*

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