



Ohio Administrative Code

Rule 3349-8-65 Overtime compensation and compensatory time.

Effective: October 28, 2010

(A) Purpose

To establish a rule regarding overtime and compensatory time.

(B) Scope

This rule applies to all unclassified hourly employees and classified civil service employees.

(C) Definitions

(1) Consult rule 3349-7-01 of the Administrative Code.

(2) "Active Pay Status" for purposes of overtime and compensatory time calculation includes regular hours worked, vacation leave, sick leave, personal leave, legal holiday leave, winter break leave, and civic duty leave.

When calculating overtime for a work week which includes a legal holiday, the automatic eight hours of holiday pay is considered as time in active pay status regardless of whether or not the employee worked on such day. Time actually worked on such day is not considered time in active pay status for overtime calculations because separate compensation is already paid.

(3) "Flexible Scheduling" is variance from the normal work hours defined herein to accommodate the needs of the university.

(4) "Legal Holiday Leave" is a day so designated by the state of Ohio and approved by the board of trustees.

(5) "Normal Working Hours" for unclassified hourly employees and classified civil service



employees are from eight a.m. to five p.m. unless otherwise directed by the immediate supervisor. Unclassified hourly employees and classified civil service employees who work at least five hours in a day are required to take a meal break of at least one half hour and not more than one hour. Meal breaks are scheduled by the supervisor to meet business requirements. Meal breaks are generally unpaid. However, employees who are required to work or remain at their stations during meal break will be paid for this time.

(6) "Regular Rate of Pay" refers to the employee's base rate of pay.

(7) "Winter Break Leave" are paid personal leave days designated at the discretion of the president of the university under the authority delegated by the board of trustees.

(D) Rule statement

(1) Administrative staff and faculty are exempt from overtime and compensatory time compensation.

(2) The immediate supervisor may use flexible scheduling to vary normal working hours when possible to maintain a forty hour work week.

(3) The earning of compensatory time and overtime must be approved in advance by the immediate supervisor.

(4) If approved in advance by the immediate supervisor, an employee is eligible for overtime compensation or compensatory time when the employee is in active pay status for more than forty hours in a work week.

(5) Overtime compensation is calculated by multiplying the number of active pay status hours over forty in the work week, times one and one half the employee's regular rate of pay at the time earned. The employee may elect to take compensatory time earned in lieu of overtime pay. Compensatory time is calculated by multiplying the number of active pay status hours over forty in the work week, times one and one half.

(6) Compensatory time is not available for use until it appears on the employee's earnings statement



and the compensatory time described in the earnings statement is available to the employee.

(7) An employee may accrue compensatory time to a maximum of two hundred forty hours. Once the maximum amount of compensatory time has been accrued, overtime compensation will be paid.

(8) All compensatory time must be used before an employee is granted a leave of absence without pay, except as otherwise permitted under state or federal law.

(9) When an employee who is eligible for overtime compensation is required to work during legal holiday leave, the employee shall be entitled to compensation for such hours worked on site at one and one half times the employee's regular rate of pay in addition to legal holiday leave compensation.

(10) Campus closing

(a) Employees who are required to work on a day when the university is officially closed due to weather or other unforeseen circumstances will be compensated for the number of hours for which other hourly personnel are compensated; plus they will be compensated at one and one half times their regular rate of pay at the time earned, for the number of hours actually worked.

(b) Compensatory time may be elected in lieu of overtime compensation.

(11) Call back pay

(a) Employees who are required to return to the worksite after the employee's normal working hours are over will be eligible for call back pay. Continuous work hours are not covered by this call back pay provision.

(b) An employee entitled to call back pay will receive a minimum payment of four hours at the employee's regular rate of pay. If an employee works more than two and three quarters hours in a call-back situation, payment will be made at the overtime rate of one and one half times the employee's regular rate of pay at the time earned.



(c) The employee may elect compensatory time in lieu of paid overtime.

(12) Winter break leave

(a) Winter break is designated at the discretion of the president. The university is officially open in order to assure the performance of time sensitive or essential functions.

(b) Only employees who have the prior approval of their immediate supervisor to work during winter break leave will be eligible to receive overtime compensation.

(c) Employees who are required to report to the worksite to perform these time sensitive or essential functions will be entitled to pay for such hours worked on site at one and one half times the employee's regular rate of pay. The remaining hours of the paid personal day will be compensated at the regular rate of pay.

(d) The employee may elect compensatory time in lieu of paid overtime.