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JOHN Q. HAMM
COMMISSIONER

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ADMINISTRATIVE REGULATION
NUMBER

212

OPR: PERSONNEL

OVERTIME WORK

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for governing overtime work by employees.

II. POLICY

It is the policy of the ADOC that the allocation, accounting, and compensation of overtime work are administered in accordance with federal and state regulations.

III. DEFINITIONS AND ACRONYMS

- A. **Compensatory Time**: Leave granted an employee for work in excess of 40 hours per workweek.
- B. **Emergency Situation**: An unexpected circumstance, which may adversely impact work accomplishment, the attainment of a critical departmental responsibility, or the safety and security of employees, inmates, and the public.
- C. **Exempt Employee**: An employee who is not entitled to compensatory time or overtime payment for work in excess of 40 hours per workweek under the Fair Labor Standards Act (FLSA) and the Rules of the State Personnel Board.
- D. **Mandatory Overtime**: Occurs when an employee is mandated to work in excess of a 40-hour workweek.
- E. **"May be Either" Employee**: An employee working in a job classification assigned by the State Personnel Department as either exempt or non-exempt

based on the level and category of a particular job's responsibilities to the provisions of the Fair Labor Standards Act (FLSA).

1. The ADOC considers all jobs classified as "May be Either" as non-exempt.
 2. Employees in "May be Either" or non-exempt job classifications shall be entitled to compensatory time or overtime payment for work in excess of 40 hours per week.
- F. **Non-exempt Employee:** An employee who is entitled to compensatory time or overtime payment for work in excess of 40 hours per workweek under the Fair Labor Standards Act (FLSA) and the Rules of the State Personnel Board.
- G. **Overtime:** Work in excess of forty (40) hours per workweek.
- H. **Security/Law Enforcement Employee:** An employee in one of the correctional officer/law enforcement classifications which includes Part-Time Correctional Officer, Security Guard I, Correctional Security Guard, Correctional Security Guard Senior, Correctional Canine Assistant Handler, Correctional Canine Handler, Correctional Canine Handler Supervisor, Correctional Canine Coordinator, Correctional Officer Senior, Correctional Officer Trainee, Correctional Officer, Correctional Sergeant, Correctional Officer-Hourly, Correctional Lieutenant, Correctional Captain, Correctional Warden I, Correctional Warden II, Correctional Warden III, Correctional Investigative Agent, Correctional Investigative Agent, Senior, Correctional Investigative Agent Supervisor, Correctional Investigative Services Assistant Director, and Correctional Investigative Services Director.
- I. **Straight Overtime:** Compensation at an employee's regular rate of pay (1 for 1) for hours in excess of 40 per workweek for which the employee did not physically work the entire workweek due to suspension, holiday(s) and/or leave usage (annual, sick, military, leave without pay (LWOP), and/or compensatory, and holiday time).
- J. **Support Employee:** Any employee who is not in a security/law enforcement job classification.
- K. **Time and One Half:** Compensation at an employee's regular rate of pay plus one half of his/her regular rate of pay (1 ½ for 1) for which the employee physically worked overtime in excess of 40 hours per workweek.
- L. **Voluntary Overtime:** Occurs when an employee requests to work in excess of a 40-hour workweek.
- M. **Workweek:** Saturday through Friday.

IV. RESPONSIBILITIES

- A. The Commissioner/Designee shall ensure departmental compliance with federal and state regulations and authorize monetary payment for overtime work.
- B. Wardens/Division Directors are responsible for ensuring that:
 - 1. That they develop their facility/division Standard Operating Procedures (SOP) as necessary for the implementation of AR 212, Overtime Work.
 - 2. Overtime work is authorized and necessary for operations.
 - 3. Allocated overtime is efficiently managed and utilized.
 - 4. Accountability is maintained for leave and work records.
- C. The ADOC Fiscal Office is responsible for auditing attendance records, shift logs, leave slips, computer printouts, and overtime/compensatory time authorization records for accuracy and compliance with federal and state regulations.
- D. The Personnel Division is responsible for advising Wardens/Division Directors regarding State Personnel and FLSA guidelines for overtime work.
- E. Supervisors shall ensure that overtime work schedules meet the requirements set forth in this regulation and are in compliance with federal and state laws.
- F. Employees are responsible for performing overtime work only as authorized by the Warden/Division Director and in accordance with the procedures set forth in this regulation.

V. PROCEDURES

- A. Employees shall not normally be required to work in excess of forty (40) hours per workweek unless authorized by the Warden/Division Director and/or in cases of emergency.
- B. Security/law enforcement employees who are authorized overtime:
 - 1. May work a maximum of 80 hours per workweek – 40 regular hours and 40 hours of overtime.
 - 2. May work a maximum of 16 hours within a 24-hour time frame.
 - 3. Shall have at least one-off day (24 hours) per workweek.

4. With the Warden/Designee approval, may work both off days during a workweek provided that the actual total of hours worked do not exceed 60 hours for that workweek (40 regular hours plus 20 hours of overtime).
 5. Shall have all exceptions to V.B. 1-4, approved by the Deputy Commissioner(s) of Men's and Women's Services, or the ADOC Chief Deputy Commissioner, as appropriate.
- C. All employees may be required to work mandatory overtime in cases of critical employee shortage or other emergency situations. In such cases, no employee will work more than 16 hours in a 24- hour time frame unless approved to do so by the Deputy Commissioner(s) Men's and Women's Services, or the ADOC Chief Deputy Commissioner, as appropriate. Any employee calling in sick when scheduled for advanced mandated overtime may result in the employee receiving LWOP and corrective action for Unexcused Absence, unless medical documentation is provided.
- D. Non-exempt support employees shall:
1. Be compensated for overtime work in compliance with the Fair Labor Standards Act (FLSA) and state procedures with compensatory time rather than wages except for V.E. and V.F. below.
 2. Earn compensatory time at a rate of time and one-half if physically worked a full 40-hour workweek in which overtime occurred.
 3. Earn compensatory time at a rate of straight overtime if not physically worked a full 40-hour workweek in which overtime occurred.
 4. Accumulate no more than 240 hours of compensatory time.
 5. Take compensatory time off before using annual leave unless accumulated annual leave will be lost at the end of the calendar year.
- E. Non-exempt support employees shall receive monetary payment for accumulated compensatory time (Rule 670-X-11-.07, *Rules of the State Personnel Board*):
1. Upon separation from state service [resignation, retirement, dismissal or death (beneficiary/estate)].
 2. As authorized by the Commissioner/Designee and approved by the State Personnel Board when a support employee nears the maximum hours of compensatory time allowed (240 hours).

3. As authorized by the Commissioner/Designee and approved by the State Personnel Board when overtime work is critical to departmental operations on a consistent and continuous basis.
- F. Accumulated compensatory time obligations are not transferable from one state department to another state department. The ADOC shall liquidate any accumulated compensatory time prior to an employee's transfer to another state agency (Rule 670-X-11.07, *Rules of the State Personnel Board*).
- G. Exempt support employees shall not accumulate compensatory time nor receive monetary payment for overtime work.
- H. Non-Exempt security/law enforcement employees shall:
1. Be compensated for overtime work by monetary payment or compensatory time in compliance with the Fair Labor Standards Act (FLSA), state procedures, and Section 36-21-4 and Section 36-21-5, Code of Alabama, 1975.
 2. Elect in writing on the last day of a calendar month in which overtime is worked to receive monetary payment or compensatory time for the first (8) hours in excess of 40 hours worked in any workweek of that month.
 3. Receive monetary payment for overtime in excess of 48 hours per workweek at the discretion of the ADOC.
 4. Earn overtime at a rate of time and one-half if physically worked a full 40-hour workweek in which overtime occurred.
 5. Earn straight overtime if not physically worked a full 40-hour workweek in which overtime occurred.
 6. Accumulate no more than 480 hours of compensatory time.
 7. Take compensatory time off before using annual leave unless accumulated annual leave will be lost at the end of the calendar year.
- I. Non-exempt security/law enforcement employees shall receive monetary payment for accumulated compensatory time (Rule 670-X-11-.07, *Rules of the State Personnel Board*):
1. Upon separation from state service [resignation, retirement, dismissal, or death (beneficiary/estate)].
 2. As authorized by the Commissioner/Designee when a security employee nears the maximum hours of compensatory time allowed (480 hours).

3. As authorized by the Commissioner/Designee when overtime work is critical to departmental operations on a consistent and continuous basis.
- J. Exempt security/law enforcement employees shall be compensated for overtime work according to state procedures and Section 36-21-4 and Section 36-21-5, *Code of Alabama, 1975*, and as indicated in V.F., V.H. and V.I. above.
- K. Each non-exempt employee shall have supervisory approval prior to working any overtime.
1. The employee shall complete and sign ADOC Form 212, *Compensatory Time/Overtime Approval*, indicating the reason for the overtime, date, time, and number of hours worked.
 2. The supervisor shall sign the form after reviewing and comparing the accuracy of the time worked with sign-in/sign-out logs and/or leave and work records.
 3. The supervisor shall turn in the completed ADOC Form 212, *Compensatory Time/Overtime Approval*, to the Institutional/Divisional Timekeeper and/or Payroll Clerk.
 4. The Payroll Clerk/Designee shall review and reconcile all ADOC Form 212s, *Compensatory Time/Overtime Approval*, with the employee's leave and work record, sign-in/sign-out sheets, and other records documenting hours of work.
 5. In no event shall overtime be kept solely by the employee (affected) earning the overtime or set aside (in a drawer) on unauthorized and unsubstantiated paper records.
- L. All sign-in/sign-out rosters, shift logs, mandatory overtime rosters, voluntary overtime rosters, compensatory time/overtime approval forms, leave and work records, leave slips and other records documenting an employee's work hours and leave usage shall reflect the actual and accurate number of hours worked and amount of leave hours taken by an employee.
- M. Wardens/Division Directors/Designee shall monitor accumulated compensatory time balances biannually.
1. Employees with compensatory time balances approaching the maximum allowed by state regulations (240 hours for support employees and 480 hours for security/law enforcement employees) shall be allowed an opportunity to take compensatory time off before being approved for additional overtime work.

2. Prior approval shall be obtained from the Commissioner/Designee in instances in which it is an operational necessity that an employee with an accumulated compensatory time balance near the maximum allowed is assigned overtime work.
 3. Employees may be required to reduce compensatory leave balances by taking compensatory time off and/or by the rearrangement of work schedules (Supreme Court Decision: Christensen vs. Harris County, 98-1167).
- N. Compensatory time/overtime records shall be audited on a regular basis for compliance with ADOC procedures, general accounting principles, and federal and state regulations.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. ANNEXES AND FORMS

ADOC Form 212, *Compensatory Time/Overtime Approval*

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 212, *Overtime Work*, dated March 8, 2005, and any changes.

IX. PERFORMANCE

- A. Fair Labor Standards Act, 29 U.S.C. 201
- B. Code of Alabama 1975 § 14-1-1.1 *et seq.*, 36-21-4, 36-21-5, 36-21-6.
- C. Rules of the State Personnel Board, 670-X-11-.07(1)(2)(3)(4)
- D. State Personnel Procedures Manual
- E. Alabama Department of Corrections Personnel Division Manual
- F. U. S. Supreme Court Decision: Christensen vs. Harris County, 98-1167



John Q. Hamm
Commissioner

**ALABAMA DEPARTMENT OF CORRECTIONS
COMPENSATORY TIME/OVERTIME APPROVAL**

Employee's Name: _____

Job Classification: _____ *Soc. Sec. Number:* _____

Facility/Division of Regular Employment: _____

Facility/Division of Overtime Work: _____
*(Complete only if overtime was earned at another Institution/Division)

Compensatory Time/Overtime Start Date: _____ Time: _____

Compensatory Time/Overtime End Date: _____ Time: _____

Total Compensatory Time/Overtime Earned: _____ Hours _____ Minutes

Reason for Overtime Work: _____

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

*Warden/Division Director's Signature: _____ Date: _____