

HUMAN RESOURCES
POLICY AND PROCEDURE MANUAL
FOR
MARLBOROUGH HOSPITAL
MARLBOROUGH, MASSACHUSETTS

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CATEGORY: HUMAN RESOURCES

SUBJECT: OVERTIME

I. PURPOSE

To identify the circumstances and establish the parameters under which the payment of overtime is required.

II. POLICY

All non-exempt employees will be paid one and one-half times their regular rate for all authorized time worked (in increments of fifteen minutes) in excess of forty (40) straight-time worked hours in a work week (for those employees covered under a bargaining unit agreement, please refer to your contract). If employees are unclear as to whether or not they qualify for overtime pay, employees should speak to their manager or supervisor.

If exempt staff, after all other means to appropriately staff the department are exhausted, are asked or required to periodically work full shifts in a non-exempt role, that person may receive additional compensation, subject to the approval of the Senior Manager.

Employees are not permitted to work overtime without the prior approval of the employee's manager or supervisor. Employees will be paid for all overtime work but may be subject to discipline up to and including termination if the overtime work was not pre-authorized. If an employee has worked unauthorized overtime, the employee's manager or supervisor should: 1) Discuss with the employee the need to obtain authorization to work in excess of the employee's scheduled hours; 2) Document the discussion with the employee; and 3) Maintain the documentation in the employee file.

III. SCOPE

This policy covers all non-exempt employees (for those employees covered under a bargaining unit agreement, please refer to your contract). If any conflict exists between this policy and a collective bargaining agreement provision, the language of the applicable collective bargaining agreement prevails for those employees represented for purposes of collective bargaining.

IV. RESPONSIBILITY

Managers, supervisors, and employees, together with the Human Resources department are responsible for complying with this policy. Employees are responsible for accurately reporting all time worked including overtime hours.

V. DEFINITIONS

Non-exempt: A position subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

Work Day: The 24-hour period starting 6:45AM. The typical work day is an eight-hour shift. The shift length for a non-exempt employee may, however, vary by shift and by unit. All shifts are typically eight and one-half hours with one 30-minute consecutive uninterrupted unpaid meal period. (Please see HR6: Hours of Work, Meal Periods and Work Breaks for details).

Work Week: The regular workweek shall be a five-day, forty-hour week although there are exceptions under flexible scheduling programs. The workweek begins at 7:00 AM on Sunday and ends at 6:59 AM the following Sunday. Any work shift which begins during one workweek and extends into the next workweek will be recorded on payroll time sheets as time worked on the day in which the shift began. For example, a shift which begins Saturday night at 11:00 and extends until 7:15 Sunday morning will be recorded as work performed on Saturday. (Please see HR6: Hours of Work, Meal Periods and Work Breaks for details).

VI.. PROCEDURE

- A. To ensure the ongoing effective operations, employees may be required to work reasonable amounts of overtime on an as-needed basis beyond his/her normally scheduled workday or work week. Managers should provide advance approval (or direction) to employees for all anticipated overtime work. Managers will make reasonable efforts to distribute overtime assignments equitably among qualified employees in the same job title by rotating as fairly as possible.
- B. Non-exempt employees will be paid time and one-half (1½) their regular rate of pay for time worked beyond forty (40) hours in a workweek. The "regular rate" of pay includes such things as on-call pay, charge pay, and shift or weekend differentials for the particular work week.
- C. If an employee is on an approved vacation, and the employee is asked to work during that vacation period, s/he will be paid for all hours worked at a rate of time and one-half his/her regular rate of pay (and there will be no deduction made from that employee's CARE Time accrual). Senior Management approval is required before contacting the employee.
- D. For purposes of determining overtime eligibility, actual *worked* hours will be included in the computing of eligible overtime hours. *Unworked* hours or paid time off for which CARE Time is used (including sick days and non-worked holidays that occur on a regularly scheduled work day), will not be included in the hours for determining overtime eligibility. For example, if an employee takes CARE Time one day during the week, works regularly scheduled hours and then picks up another 8 hour shift to fill an authorized staffing need at the end of the week, those unworked hours for the CARE Time day off will not count toward the forty hours for overtime eligibility. In the above stated situation, the methodology for determining the number of hours to be paid for the week shall be as follows:

8 Hours – CARE Time payment – Straight time

32 Hours – Regular - Straight time

8 Hours – Additional shift – Straight time

48 Hours – Total hours paid at straight time

When working of an additional shift during a week in which CARE Time is used results in the employee exceeding scheduled hours, there shall be no corresponding reduction of paid CARE Time hours taken in that particular workweek and the employee will not be paid the CARE time hours. When CARE time is used and it results in the employee exceeding scheduled hours, the CARE time will be paid if the additional shift or extra hours occur within the week of a holiday or when the employee takes time off to “flex to volume” at the approval of the manager, or when filling an authorized staffing need.

In situations where the working of an additional shift to fill an authorized staffing need during a week in which CARE Time is used will result in the employee being eligible for additional hours over scheduled hours, the employee has the option to request that the CARE Time be retained in the CARE Time accrual bank thereby reducing the actual number of hours paid for the week to scheduled hours or the employee may be paid for additional hours over scheduled hours (See HR9, CARE Time Policy).

- E. There shall be no pyramiding or duplicating of overtime (except as described in G. below). Accordingly, employees are not eligible to receive both daily and weekly overtime pay; only one overtime premium will apply. For example, if an eligible employee has been paid time and one-half for call-back pay, those overtime hours cannot be included when calculating the number of hours worked in the work week.
- F. Employees who are employed in or who work an authorized “flexible schedule” program (in which work is regularly scheduled for more than eight hours in a single day or more than forty hours in a week), are entitled to overtime only as per the prescribed flexible schedule program.
- G. Holiday hours worked will be paid at the time and one-half rate. The **worked Holiday** hours paid at this rate will be included when calculating the number of hours worked in the workweek for purposes of determining overtime eligibility. For example, if an employee works a Hospital-designated holiday on Monday, plus their regular 32 hours in that week, any additional time the employee works during that one-week period, will be paid at an overtime rate. Employees working the day of a Holiday will be paid for the hours actually worked that day and not paid via CARE Time for that shift.

Rescission: This policy rescinds former policy HR4 dated 8/01/2003, 5/1/04, 6/1/06
Reviewed/Revised: 5/1/04, 6/1/06, 3/15/10, 02/11/13/1.23.2014, 03/10/2015
Developed by the Human Resources Department