I. **POLICY:**

A. Managers and Supervisors will administer working hours, overtime, and compensatory time as set out in the rules, regulations, and procedures established in accordance with the federal Fair Labor Standards Act (FLSA), policies established jointly by the Governor's Office of Planning and Budget, the Georgia Merit System, and the Georgia Department of Corrections (GDC) Standard Operating Procedures (SOP's).

B. The GDC is bound by an employee pay system established by statute espousing and upholding the principles of public accountability under which employees accrue leave and are expected to cover absences with accrued leave or be assessed leave without pay. The GDC is also bound by the state rules for applying employee discipline through allowable salary deductions for employees. It is departmental policy to comply with the salary basis requirements of the FLSA.

C. For purposes of salary administration for employees, all work performed must be compensated through base salary, compensatory time awards, cash overtime, and/or other incentive programs. Work not requested, but permitted, is still work time. Therefore, it is the duty of management to exercise control over employees’ work time and to ensure that work is not performed if Appointing Authorities do not want the work performed.

D. **Employees cannot waive their rights to compensation under the Fair Labor Standards Act.**

E. Each employee is issued an FLSA status. Final determination of FLSA status for all department employees is the responsibility of the Department Personnel Director.

II. **APPLICABILITY:**
This procedure applies to all employees, classified or unclassified, full-time or part-time, of the GDC. Individuals not covered by the FLSA include elected officials and their personal staffs, policy-making appointees, legal advisors, legislative employees, bona fide volunteers, independent contractors, offenders, and certain trainees. Therefore, all Department employees are classified as exempt or non-exempt.

III. RELATED DIRECTIVES:

A. Fair Labor Standards Act (29 C.F.R.)
B. Office of Planning and Budget/State Merit System Policy Memorandum No. 1
C. State Personnel Board Rule 18 Leave and Holidays
D. GDC Standard Operating Procedures (SOP's)
   1. IIA07-0006, Administrative Duty Officer
   2. IVO01-0001, Delegation of Authority
   3. IVO01-0005, Bulletin Boards
   4. IVO07-0016, Call Back Pay
   5. IVO08-0002, Time Keeping Requirements (FLSA)
   6. IVO10-0003 Leave Without Pay
   7. IVO20-0004 Military Leave
   8. IVO10-0007 Court Leave
   9. IVO10-0008 Administrative Leave
   10. IVO21-0001, Teleworking
   11. IVO21-0002, Official Hours and Alternative Work Schedules

IV. DEFINITIONS:

A. Appointing Authority: The sole Appointing Authority for the Department is the Commissioner in accordance with state law and the Rules of the State Personnel Board (SPB). SPB Rules permit the Appointing Authority to delegate certain responsibilities to others within the agency. For the purpose of this SOP, the term Appointing Authority refers to both the Commissioner and those to
whom the Commissioner has delegated certain Appointing Authority responsibilities as outlined in SOP IVO01-0001.

B. Compensatory Time: Compensatory time is allotted to compensate a non-exempt (exempt only under extraordinary circumstances) employee for time worked or total time accrued beyond established maximums. There are three distinctly different types of compensatory time:

1. **FLSA compensatory time** is earned when a non-exempt employee works hours and minutes in excess of the maximum hours in the designated work period. All hours and minutes must be physically worked in the work period (e.g., a law enforcement/security officer whose designated work period maximum is 165 hours, must physically work more than 165 hours to earn FLSA compensatory time). This work time is earned at the rate of one and one-half times the hours and minutes over the maximum hours allowed.

2. **Georgia compensatory time** is earned when an employee’s credited work hours and minutes, and observed State Holiday time (employee does not work on holiday) total more than the scheduled number of hours in a work period. Employees must be holiday eligible in order to earn Georgia Compensatory time. Georgia compensatory time is earned at the rate of one-for-one for an employee’s time credits which exceed the work period maximum.

3. **Holiday deferral (Holiday compensatory time)** is earned when an eligible employee works for any hours and minutes on the day designated by the Governor as a state holiday. Holiday deferral is earned at the rate of one-for-one for all time worked up to 8 hours maximum.

C. **Division Director**: Division Directors are those Division Directors exercising managerial authority (and other responsibilities as delegated or designated by the Commissioner) over the three divisions of this agency. For the purpose of this SOP, the term also applies to the Assistant Commissioner as manager of the Commissioner’s direct support staff.

D. **Exempt Employees**: Certain employees are exempt from the minimum wage and overtime provisions of the FLSA by meeting both the salary basis test and duties test for either the Executive, Administrative, or Professional exemption. The Central Personnel Administration (CPA) Job Evaluation Unit makes the initial FLSA determination.
E. **Full Shift Overtime**: Full Shift Overtime is a temporary Department incentive program developed to staff the most critical posts of designated facilities.

F. **Non-Exempt Employees**: Non-exempt employees are those who do not meet any of the tests or definitions of an exempt employee, and must be compensated, either by compensatory time or money, for time **physically worked** in excess of the allowed number of hours in a specified work period. There are two categories of non-exempt employees: (non-security) requiring no Peace Officer Standards and Training (P.O.S.T.) certification and (security/law enforcement) generally those requiring P.O.S.T. certification.

G. **Overtime**: Overtime is the time used to account for and compensate a non-exempt employee for any time worked beyond the maximum permitted hours for a designated work period under the FLSA. Overtime is compensated at the rate of one and one-half hours for every one hour worked beyond the maximum. Time worked beyond the maximum for the work period may not be rounded up or down, and must be accounted by the minute. Exempt employees are not eligible for consideration for overtime compensation except in extraordinary circumstances.

H. **Work period/cycle/rotation**: Various terms used to indicate the regularly-scheduled work times assigned by the Appointing Authority over a designated time span from seven consecutive twenty-four hour periods (seven calendar days) to twenty-eight calendar days.

V. **ATTACHMENTS**:

Attachment 1 - Overtime Claim and Payment Request
Attachment 2 - Overtime Payment Request
Attachment 3 - Full Shift Overtime Verification and Payment Request
Attachment 4 - Understanding the Use of FLSA Compensatory Time
Attachment 5 - GDC Notice to Employees

VI. **PROCEDURE**:

A. **Work Hours and Work Periods**:

Appointing Authorities will direct that each employee is assigned to a Department-approved work period and ensure
that managers/supervisors are enforcing work period compliance. The work periods by non-security and security categories are:

1. **Non-security employees**: A normal work period for non-security employees, both exempt and non-exempt, consists of seven consecutive twenty-four hour days in each work period. The work hours each day are designated by the Appointing Authority in compliance with GDC SOP IVO21-0002. Immediate supervisors must ensure employee compliance to the following:

   a. Full-time, non-security employees must work or take paid leave for a minimum of 40 hours in each seven-day work period in order to receive full compensation. Employees who physically work over 40 hours in a work period are entitled to compensatory time or cash overtime, as deemed appropriate by the Appointing Authority.

   NOTE: Certain employees in GDC nursing positions may be assigned to work periods of 14 consecutive calendar days and 80 hours of work in duration. If these certain employees are being proposed for assignment to the 14 calendar day work schedules, coordinate with the CPA FLSA Compliance Coordinator to ensure appropriate compliance to FLSA regulations.

   b. The normal or standard work period for non-security employees starts at 1:00 a.m. on Saturday, and ends at 12:59 a.m. the following Saturday; standard work days are Monday through Friday, eight hours per day.

   c. The Appointing Authority must, at all times, keep on file with the Department Personnel Director, the current work week schedule for the non-security work site, if it is other than standard.

   d. Within the work period, the work hours may be assigned as required by the Appointing Authority and in compliance with GDC SOP IVO21-0002. However, an Appointing Authority may not change the employee's scheduled work period start and end dates and times solely for the purpose of preventing the employee from earning extra compensation.

   e. Work periods with starting and ending days different than Saturday to Saturday may be
established by submitting a request outlining the proposed work period to the Department Personnel Director for approval. Any approved variance to the above schedule may be established as long as the employee's minimum work hours are forty in the specified seven-day period. This plan must be established between the employee and the Appointing Authority through written agreement. Non-exempt personnel in this category must be compensated for any time worked over forty hours in the seven-day period.

2. **Security/Law Enforcement Employees**: The work periods for law enforcement and fire protection employees may be established for any period between seven and twenty-eight days (43 hours to 171 hours, respectively). Eligibility for overtime is based on non-exempt employees exceeding the maximum number of hours for the established work period.

   a. The following chart outlines the maximum hours for each work period. Employees are entitled to compensatory time or overtime compensation at the rate of one and one-half times the regular rate for any hours and minutes over the maximum hours listed for the specific schedule.

<table>
<thead>
<tr>
<th>Consecutive-Day Work Period</th>
<th>Hours of Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>171</td>
</tr>
<tr>
<td>27</td>
<td>165</td>
</tr>
<tr>
<td>26</td>
<td>159</td>
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<td>25</td>
<td>153</td>
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<td>12</td>
<td>73</td>
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<tr>
<td>11</td>
<td>67</td>
</tr>
<tr>
<td>10</td>
<td>61</td>
</tr>
</tbody>
</table>
b. Standard security work periods and scheduled hours within the work periods for the department are:

<table>
<thead>
<tr>
<th>STANDARD WORK PERIODS</th>
<th>SCHEDULED HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/2, 28 days, 171 hours</td>
<td>165</td>
</tr>
<tr>
<td>6/3, 27 days, 165 hours</td>
<td>148 hrs 30 mins</td>
</tr>
<tr>
<td>4/4, 24 days, 147 hours</td>
<td>144</td>
</tr>
<tr>
<td>5/2, 7 days, 43 hours</td>
<td>41 hrs 15 mins</td>
</tr>
</tbody>
</table>

**NOTE:** Security/law enforcement employees’ work hours are set at the work period maximum in order to maintain levels of security. Appointing Authorities choose to establish scheduled hours less than work period maximum hours in favor of the employees. It is **not** necessary to schedule adjust security/law enforcement employees back to their assigned work period scheduled hours. **Overtime will only be granted when the work period maximum hours have been exceeded.**

c. The Appointing Authority must submit any non-standard proposed schedule changes not found in VI.A.2.b. for review and approval to the Department Personnel Director.

1) When proposing a non-standard revised schedule, include intentions concerning the lunch or duty free period. Department employees are to be given a lunch or duty free period for any shift longer than 10 hours 30 minutes.

d. Due to the nature of the job duties, GDC fire protection employees will work or take paid leave under the same conditions as law enforcement personnel.

f. Any work period or partial work period (i.e., changing work period during mid schedule) having less than seven days will have the maximum number of hours established under the following schedule: (1 work day = 8 hours 36
minutes; 2 work days = 16 hours 51 minutes; 3 work days = 25 hours 17 minutes; 4 work days = 33 hours 42 minutes; 5 work days = 43 hours). Coordinate directly with CPA to calculate compensatory time due for any employee who has worked a partial work period of less than seven days.

g. Anytime a security employee is changed from one work period rotation or "key" to another "key" with different work days and off-days, the timesheet of the "key" the employee just left must be immediately closed and delivered to the local Personnel Office to calculate total work time for any possible overtime earned. If the local Personnel Representative needs assistance, the appropriate Division Personnel Administrator or CPA should be contacted.

3. Security/law enforcement employees, through work or combination of work, paid leave, holidays, and other management-approved leaves of absence, should be meeting scheduled hours for every work period. When paid leave (Annual, Sick, or Personal) is charged for approved absences, however, the leave will be for shift length including shift briefing (e.g., 8 hours and 15 minutes, 9 hours or 10 hours. It is permitted to retroactively restore paid leave (when employees' time accumulations are in between the work period minimum hours and work period maximum hours) back to the established scheduled work hours for the assigned work period. Leavekeepers do have the option to deduct leave for security/law enforcement employees if needed after the timesheets for the work period have been totaled and finalized. Requested/used FLSA or Georgia Compensatory Time will not be restored.

B. FLSA Status Determination/Designations:

1. FLSA status of each position in the Department is determined by the Job Evaluation Unit of CPA, with final approval by the Department Personnel Director.

2. Managers and supervisors must maintain knowledge of each subordinate’s FLSA status for purposes of controlling work hours and assigning work.

3. Personnel Representatives can review the FLSA status of an encumbered position by using the following steps: access PeopleSoft and select Workforce Administration > Job Information > Job Data > then
go to the Job Information tab and locate **FLSA Status** near the bottom of the computer screen. 

**NOTE:** When the position is vacant, the FLSA designation may not be correct. Therefore, contact the CPA Job Evaluation Unit for assistance.

4. Managers and supervisors should consult the local Personnel Representative if there are any questions, inconsistencies, or concerns.

5. If an Appointing Authority considers that the duties of a particular position warrant a change in FLSA designation, a written request should be forwarded to the CPA Job Evaluation Unit for analysis. Requests must have supporting documentation indicating duties of the position (e.g., an updated Performance Management Plan).

6. An FLSA status decision by the CPA Job Evaluation Unit will be communicated to the local Personnel Representative.

**C. Hours Worked (All Employees):**

Immediate supervisors and managers must ensure employee compliance to the following:

1. **Exempt** employees’ work hours will be maintained in accordance with the Division Exempt Employee time keeping system.

2. **Non-exempt** employees must be compensated for all hours worked for the employer. Generally, all the time the non-exempt employee is required or **permitted** to perform services for benefit to the employer are hours worked. All hours worked, including time outside the normal scheduled work period, on or off the employer's premises, etc., must be recorded for non-exempt employees.

**NOTE:** To avoid the potential for FLSA overtime, employees who are FLSA non-exempt are not authorized to work for another State agency.

3. The work day begins when the first official act of work occurs. Hence, immediate supervisors must control non-exempt employees’ work hours to ensure that no work outside scheduled hours is performed if the Appointing Authorities do not want the work performed.
4. Any time worked outside the normal scheduled work hours must have prior approval from the Appointing Authority except in cases of emergencies. In emergency situations, Appointing Authorities must be notified as soon as possible.

5. Each supervisor is responsible for monitoring an employee's work. For example, under the FLSA, work not requested but permitted counts as work time. It is the supervisor's responsibility to exercise control and to ensure that work is not performed if management does not want it performed.

6. The mere announcement of a rule against performing work during non-scheduled work hours is not sufficient to relieve the employer of the liability for extra time worked.

7. Any work performed by an employee, even if the work was not requested and not authorized, but permitted, must be counted.

8. Supervisors must not allow a non-exempt employee to occupy his/her workstation before or after scheduled working hours or during meal periods. If a non-exempt employee is allowed at his/her workstation or post before or after scheduled work time, this may enable the employee to claim such time as work time.

D. FLSA Status Requirements and Exemption Tests:

1. Exempt Employees: Certain employees are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act by meeting both the salary basis test and duties test for either the Executive, Administrative, or Professional exemption.

2. While certain employees are exempt from FLSA, exempt employees must still comply with certain FLSA and state law record-keeping requirements. By state law, each employee must document that he/she works a 40-hour workweek (within 7 consecutive days) or the equivalent.

3. Specific exemptions are based on the employee's job description and performance plan which reflect actual job duties and performance expectations, and not on their assigned pay grade, Merit System job title, or agency "working" title.

4. A complete review is conducted in CPA for each employee's responsibilities in his/her job. The review is based on the following FLSA tests:
a. **Salary Basis Test**: An employee is considered to be paid on a salary basis if he/she regularly receives a predetermined amount of money each pay period which constitutes all or part of his/her compensation. This amount cannot be subject to reduction because of variations in the quality or quantity of work performed. **Any disciplinary deductions for less than eight (8) hours are not permissible for exempt employees.** An exempt employee must receive a full salary for any week in which any work is performed, without regard to the number of days or hours worked unless one of the following exceptions is met:

1) The employee is absent from work for a day or more for personal reasons, other than sickness or accident;

2) The employee is absent for a day or more due to sickness or disability and a pay deduction is made consistent with applicable provisions of State Personnel Board Rules governing the accrual and use of leave;

3) The agency imposes penalties in good faith for workplace misconduct/major safety violations; or,

4) The employee is absent for the entire work week/work period or performs no work during this timeframe.

**NOTE:** State Personnel Board Rules also permit the agency to reduce an employee's pay by placing an employee on leave without pay for an absence due to personal reasons, or because of illness or injury of less than one work day in certain circumstances. The Appointing Authority must discuss and receive approval from the Department Personnel Director for any pay deduction of less than eight (8) hours for any exempt employee.

b. **Duties Test**: Each exemption category contains a primary duty requirement which varies by exemption. Generally, if an employee spends 50% of his/her time involved in a primary duty, this should satisfy the requirement. Proposed
exceptions to this provision will be reviewed on a case-by-case basis. The following factors will be considered in determining whether an employee satisfies the primary duty requirement:

1) The relative importance of managerial duties as compared to other types of duties and responsibilities;
2) The frequency with which the employee exercises discretionary authority;
3) The relative freedom from supervision; and
4) The relationship between the employee's salary and the wages paid other employees for performing similar work.

NOTE: The word "supervisor", "director", etc. in a position title does not necessarily indicate that a position is exempt.

5. **Exempt** categories are as follows:

a. **Executive**: An executive employee must meet all of the following requirements:

   1) **Compensation**: Is paid not less than $455 per week (approximately $23,660 per year);
   2) **Duties**: Primarily management of the agency, division, unit (facility or office), or customarily recognized subdivision; and,
   3) Directly supervises two or more full-time employees.

a. **Administrative**: An administrative employee must meet all of the following requirements:

   1) **Compensation**: Is paid at least $455 per week exclusive of board, lodging or other facilities. (On a yearly basis, 455 per week equals about $23,660 per year);
   2) **Duties**: Primarily performance of office or non-manual administrative support work not directly tied to the mission of the
assigned organizational section or organization; and

3) **Responsibilities**: Performs work and completes assignments on and dealing with matters of significance. Examples are accounting, auditing, budgeting, procurement, purchasing, personnel management, public relations, computer networking, computer database management and regulatory compliance/quality control.

**NOTE**: The U.S. Department of Labor interprets this section to exclude employees involved in normal production activities. Examples of this type of work for this agency would be Correctional Officers, Probation Officers, Trainers, and Investigators. This list is not inclusive.

c. **Professional**: A professional employee must meet all of the following requirements:

1) **Compensation**: Is paid at least $455 per week (approximately $23,660 per year);

2) **Duties**: Primarily perform work requiring advanced knowledge acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeships, or routine training; and,

**NOTE**: Creative Professional in a recognized field of artistic or creative endeavor (can be acquired through instruction) OR Computer Professional in systems analysis, programming, software engineering, or similar computer technical skills.

3) **Discretion**: Duties must include work, which requires the consistent exercise of discretion and judgment, or consist of work requiring invention, imagination, or talent in a recognized field of artistic endeavor.
6. **Non-Exempt Employees:** Non-exempt employees are those who do not meet any of the definitions of an exempt employee, and must be compensated, either by compensatory time or money, for time **physically worked** in excess of the allowed number of hours in a specified work period.

   a. Non-exempt employees of the GDC are divided into two categories:

      1) **Non-security:** An employee who performs duties of a position that does not require certification by the Peace Officers Standards and Training (P.O.S.T.) Council; and,

      2) **Security/law enforcement:** Employees who perform duties of positions where P.O.S.T. certification is required in order to perform the duties. This category includes facility fire protection personnel.

   E. **Meal Periods/Break Time:**

   1. Meal periods away from assigned posts or work stations do not count as work time. In order for a meal period to be non-work time, it must be at least 30 minutes long, and the employee must not perform any work.

   2. The employee's use of this meal period is to be uninterrupted and unrestricted. **There is no requirement under the FLSA that an employee must be given a meal period.** However, if it is an unpaid meal break, FLSA regulations mandate that the break must be a minimum of 30 minutes of uninterrupted work-free time for the employee.

   3. Department employees are not permitted to work through their meal period on a regular basis in order to shorten their workday. The exceptions are employees functioning as Correctional Officers, Transfer Officers, Probation Officers assigned to court duty if no recesses are called, food service employees, and maintenance workers whose duties include supervision of an inmate detail.

   4. Employees who work shifts of longer than 10 hours 30 minutes must take a 30-minute meal period except in secured facilities in which the Appointing Authorities determine that institutional security
requirements for particular days (no on-going situations) dictate meal period waivers.

5. When workload allows, an Appointing Authority may allow up to two "breaks" each lasting 15 minutes or less per day. These breaks are work time, and are not a mandatory requirement.

6. State policy mandates that the supervisor may not allow an employee to lengthen a meal period, report to work late, or depart early for not taking or for "working through" a break.

F. Shift Briefings:

1. The Appointing Authority determines if a shift briefing is needed and the period of time needed for that briefing.

1. Any shift briefing time, pre-shift and/or post-shift, is work time and must be accurately recorded, and counts toward total hours to be compensated.

2. Time required for shift briefing (15 minutes, 30 minutes, or other) is used to calculate the scheduled hours for the work period, therefore, if an employee is absent for an entire day, leave must be utilized to cover the entire shift (8 hours/15 minutes, 8 hours/30 minutes, 9 hours, etc.).

G. On-Call/Call-Back Time:

1. On-Call Time: On-call time is not work time unless the employee is required to remain at a specific location or so close thereto they may not use the time for their own purposes. An employee who is only required to wear a paging device or to leave word where he/she can be reached is not considered to be working.

   a. When an employee serves as duty officer, the following counts as work time:

   1) the time spent on the telephone talking with the work site;

   2) the time actually spent at the work site after normal scheduled work hours.

   b. The time spent commuting from place of residence to the work site while serving as duty officer is not work time.
c. The employee, who served as duty officer, must record all hours and minutes on the department-approved time sheet (or on an attached log) on the appropriate day(s) of assignment.

d. If the employee, who served as duty officer, has instances of adjusted work schedule during the same work period as the duty officer assignment, this employee’s work time, leave, and/or eligible holidays combined must still meet the required total time for the assigned work period.

2. Call-Back Time: When any non-exempt employee is called back to the work site during his/her off time, the time actually spent at the work site counts as work time and must be recorded.

   a. Non-exempt employees who are scheduled to be "on-call" and meet all other provisions outlined in SOP IVO07-0016, Call Back Pay, will be paid a supplement equivalent to one hour of pay for each time the employee is called back to the work site.

      1) **This supplement will be paid regardless of the length of time spent at the work site, and in addition to overtime earned.**

      2) **Schedule adjustments or compensatory time may not be given to an employee in lieu of Call-Back Pay.**

      3) Employees, who are subject to being called back to work for public safety purposes (e.g., Correctional Officers), are not eligible for the supplement.

H. Sleep Time:

1. In certain situations, the Department will assign designated employees to work shifts in excess of 24 hours for business necessity. If the length of these continuous work shifts is over 24 hours in duration, the Appointing Authority may declare unpaid sleep time. Employees’ time spent sleeping on these declared unpaid sleep time shifts, will not be paid, if the following conditions are met:

   a. Employees are provided adequate sleeping arrangements which, at a minimum, include mattresses, blankets, etc., conditioned in-door climates suitable for sleeping or suitable out-
door provisions to protect the sleepers from pests and weather conditions, if applicable, and quiet locations suitable for uninterrupted sleep;

b. The declared sleep time is at least five hours of uninterrupted sleep, and this same period of uninterrupted sleep time does not exceed eight hours; and

c. The employee's signed "Sleep Time Requirements Acknowledgement Statement" containing sleep time requirements are on file in the local Personnel Office and in CPA.

2. Unpaid sleep time can only be declared by the Appointing Authority if the continuous work shift is greater than 24 hours in duration. For work shifts equaling or less than 24 hours, **no** unpaid sleep time is permitted.

3. Continuous work shifts of greater than 24 hours in duration may be scheduled by the Appointing Authority for up to 5 consecutive calendar days. Then, the assigned employees must each be afforded a forty-eight hour break before being called back to duty; unless otherwise negotiated and agreed upon in writing by any employees who desire to work more than 5 consecutive calendar days with continuous work shifts greater than 24 hours in duration.

4. Each employee in the department acknowledges sleeptime requirements on the "Georgia Department of Corrections Sleep Time Requirements Acknowledgement Statement" form located in their official personnel file.

5. If possible, employees will be notified, in advance, that a situation has occurred requiring them to report to work for a shift which may involve unpaid sleep time.

5. **If one or more of the conditions in item #1 above are not met, then employees must be paid for all time spent sleeping.**

I. **Mandated Training:**

1. Mandatory training is work time. Normally, work schedules and training schedules are to be adjusted so those employees do not attend training classes on their time off (SOP IVO08-0002, Time Keeping Requirements).
2. Employees who attend training will receive work time credits equaling those hours and minutes as regularly scheduled at the work location provided it is a full day of training, e.g., an officer working a shift of 8 hours/15 minutes will receive work time credit on the actual full day of training for his/her regularly scheduled work day of 8 hours/15 minutes; an employee who works four 10-hour days will receive work time credit on the actual full day of training for his regularly scheduled work day of 10 hours.

3. If travel time and full-day training time exceed the regular, daily scheduled work time, the employee must itemize on his/her timesheet the training day, to include meal breaks.

J. Travel Time:

1. The Department pays for travel during regularly scheduled work hours, and the Department currently chooses to exceed the FLSA-required minimums for overnight travel. (See SOP IVO08-0002, Time Keeping Requirements, for specific details for the types of travel.)

K. Compliance With Regulations and Policies:

1. The FLSA requires that a notice to employees (Attachment 5) concerning reporting all time worked must be posted. Appointing Authorities must ensure that this employee notice is posted, at a minimum, on each Official Bulletin Board.

NOTE: Information on availability of this federally required notice may be obtained from Central Personnel Administration.

2. Employees must sign a written agreement (Attachment 4) that FLSA compensatory time or monetary payment may be used. The Appointing Authority has the option of awarding compensation for performance of extra work outside of scheduled hours and minutes which exceeds established work period maximum hours. No Appointing Authority may assign an employee extra work unless this agreement has been executed.

3. Each employee is required to sign such an agreement (Attachment 4) on the date of hire with the Department. If an employee refuses to sign, the CPA FLSA Compliance Coordinator must be contacted immediately.
4. All individuals who were employed by the State on, or prior to April 15, 1986, and have been continuously employed since that date, are considered to have agreed to the use of FLSA compensatory time as a condition of employment.

L. Record-keeping Mandates and Requirements:

1. Employers covered by FLSA are required to maintain wage and time records on non-exempt employees.

2. By federal and state regulations, all state employees must properly record daily hours and minutes worked on time records. Given the agency's practice of adhering to accepted principles of public accountability involving the appropriate use of budgeted funds, exempt employees must also maintain similar time records on both a daily and work week/work period basis.

3. Time records must include hours worked each workday and the total hours worked each work week/work period (SOP IVO08-0002, Time Keeping Requirements).

4. Employees must use Department-approved time sheets. If a customized time sheet or record keeping system is operationally necessary, a copy of the time sheet or system must be submitted to the Department Personnel Director for approval.

5. The record keeping requirements for exempt and non-exempt employees are:

   a. Exempt employees: Each Division Director (Assistant Commissioner for the Commissioner's staff) will ensure the development of a timekeeping system for assigned units having exempt employees.

      1) A time worked record demonstrating that each full-time, exempt employee meets the state regulatory requirement by working a minimum of 40 work hours per week is sufficient. This documentation is to be kept separately from the time sheets required by the FLSA for non-exempt employees.

   b. Non-exempt employees: The Appointing Authority is required by FLSA to ensure daily time sheets are kept on each non-exempt employee.
1) The time sheets are to be based solely on the employee's work period. They cannot be based on a calendar month, a payroll pay period, etc.

2) Work units that require the use of non-standard time sheets, must submit examples and justification to the Department Personnel Director for approval prior to the use of such forms.

6. The Appointing Authority is responsible for ensuring that each non-security, full-time employee works the required 40 hours per week or equivalent, and that variances are accounted for by use of leave, leave without pay, compensatory time, or award overtime.

7. The Appointing Authority is responsible for ensuring that each security/law enforcement, full-time employee actually works the required number of hours established for the assigned work period. All work periods have required work hours (e.g., 7-day period = 40 hours; 24-day period with shift briefing = 141 hours; 27-day period with 15 minute briefing each shift = 148 hours/30 minutes; and 28-day period with no shift briefing = 160 hours). Any actual time worked variance which falls below required hours must be documented and paid leave, compensatory time, or leave without pay charged to the employee whose work time falls short of the required work period hours (SOP IVO08-0002, Time Keeping Requirements).

8. DO NOT reconstruct time sheets in the event of lost or misplaced records.

   a. If an employee claims time worked over the maximum allowable and time records are unavailable, other forms of proof may be used to verify time worked.

   b. Examples of proof of attendance, when time records are missing, can be training records, absentee reports, duty rosters, use of force reports, or any document with a date and time stamp.

   c. If hours over the maximum cannot be verified, then the employee is not entitled to additional compensation.

10. All time sheets must be kept for three full years and maintained in the facility that services the employee's unit of assignment. If an employee transfers, time sheets are not transferred with the employee. Upon transfer within GDC, Leave Request forms and an accurate Leave Verification form must be sent to the employee's new unit of assignment.

M. Holidays and Paid Leave Time Credits:

1. Time spent using paid Leave (Annual, Sick, or Personal only) or state holidays designated by the Governor counts toward the total hours to be compensated for the work period (SOP IVO08-0002, Time Keeping Requirements).

2. Time spent using approved Military Leave, Administrative Leave (declared by the Commissioner), and/or Court Leave does not count towards total hours for the work period. The employee, who is approved for Military Leave, Administrative Leave, and/or Court Leave remains in pay status, but does not receive time credits for purposes of awarding compensatory time (SOP IVO08-0002, Time Keeping Requirements).

N. Methods of Compensation:

1. The FLSA does not limit the number of hours that an employee may work. It simply requires that overtime compensation for non-exempt employees must be granted at a rate of not less than one and one-half times the regular rate for each hour physically worked in the work period in excess of the maximum hours applicable to the type of employment.

2. FLSA does not require that an employee be granted one and one-half times compensation for hours worked in excess of eight hours per day, or for work on holidays, or on scheduled off days, provided the maximum number of hours prescribed in the FLSA are not exceeded.

3. Exempt employees do not normally earn extra compensation when the total hours for the work period exceed the normal scheduled hours. In certain unusual situations, Appointing Authorities may wish to award exempt employees compensatory time as a result of a significantly increased workload.
resulting from a special project. This project should be unusual and of short duration. Routinely assigned special projects will not qualify. Appointing Authorities contemplating such a course of action must contact the Department Personnel Director for approval prior to committing to the award of compensatory time to an exempt employee. The Department Personnel Director will make the final determination of the rate at which compensatory time will be accumulated.

4. **Non-exempt** employees are not entitled to FLSA compensation for any hours worked less than the maximum hours allowable under FLSA (e.g., non-security = 40 hours maximum; security/law enforcement under assigned schedule such as 27 days = 165 maximum, 28 days = 171 maximum, etc.) Non-exempt employees who are due extra compensation when their total hours for their work period exceed the maximum number of hours allowed, should be compensated by one of the following methods:

a. **Schedule Adjustment:** Adjusting a work schedule means giving an employee one hour for each extra hour worked **before** the end of the employee's work period. **This is not granting an employee compensatory time or overtime; it is a schedule adjustment** (SOP IVO08-0002, Time Keeping Requirements).

b. **FLSA Compensatory Time:** An employee earns FLSA Compensatory Time only when he/she physically works more than the maximum number of hours specified for the work period, and this employee's work schedule cannot be adjusted prior to the end of the work period. This employee earns FLSA compensatory time at one and one-half times the regular rate of pay.

1) Non-security employees may earn a maximum of 240 hours of FLSA compensatory time. Any overtime earned over that maximum is to be recompensed by monetary compensation.

2) Law enforcement employees may earn a maximum of 480 hours of FLSA compensatory time. Any overtime earned over the maximum is to be recompensed by monetary compensation.

**NOTE:** Appointing Authorities may direct employees, who have
accumulated FLSA compensatory time, to schedule and take time off from work by using Compensatory time in order to reduce the FLSA compensatory balances.

c. Georgia Compensatory Time: Georgia Compensatory Time compensates an employee for non-FLSA overtime on a one-to-one ratio.

NOTE: Restoring leave already used in the work period in order to reduce or eliminate the accumulation of Georgia Compensatory Time is acceptable (SOP IVO08-0002, Time Keeping Requirements).

d. Leavekeepers should charge absences to accumulated comp time balances in lieu of other requested paid leave, such as annual, sick, or personal leave. An exception to this may be made late in the calendar year when an employee would be allowed to use any personal leave for an approved absence rather than lose it.

O. Full Shift Overtime:

1. Full Shift Overtime (FSO) is a temporary Department incentive program developed to staff the most critical posts in certain facilities. Authorization for FSO is not granted routinely and should not be authorized for all posts and keys within a facility.

   a. FSO is supervisor-approved work of 8 hours or greater by a Correctional Officer on a regularly scheduled off day or regularly scheduled off shift.

   b. A completed Full Shift Overtime Verification and Payment Request form (Attachment 3) covering a period from Saturday through the following Friday after third shift ends with no correlation to the Officer's work period.

2. In conjunction with the Department Personnel Director, the Department Corrections Division Director/Designee determines the criticality of need based on established criteria.

3. FSO offers the opportunity for Officers to volunteer to be scheduled to work approved critical posts.
This allows these certain critical posts to be staffed without the use of supervisors or recalled personnel.

4. For payment of FSO, once approved by the Corrections Division Director/Designee, the Officer volunteering must:
   a. Volunteer for an approved post;
   b. Work a full shift of at least 8 hours; and
   c. Schedule FSO on a scheduled off shift (for this purpose, working a shift other than the regular shift as in a double shift, is considered a "scheduled day off").

5. If all the requirements above are met, the Officer will be paid at the rate of one and one-half times each hour and minute worked under FSO for the shift worked without being required to exceed the FLSA law enforcement maximum hours.

6. FSO for which an employee receives payment will not be used in the final calculations of a completed timesheet at the end of a work period for determining if any additional compensatory time should be awarded.

P. Authorizing FLSA Overtime:

1. Funding for overtime is minimal. Each Appointing Authority foreseeing the need for overtime work must consider all reasonable alternatives. In emergencies, Appointing Authorities must take prudent action and when those actions include overtime, follow up as soon as possible using the procedures below:
   a. Approval for FLSA overtime:
      1) An "Overtime Claim and Payment Request" form (Attachment 1), with an "Overtime Payment Request" form (Attachment 2), must be submitted to the Division Director/Designee. The Division Director/Designee will forward approved requests to the Department Budget Office. Funding approval is considered for all requests.
      2) When a request has been approved, the Division Director/Designee will notify the requestor and CPA that FLSA overtime payment has been approved for processing.
3) All requests for overtime for exempt employees must be approved, in advance, by the Department Personnel Director.

b. Claims for Overtime Payment:

1) Claims for payment of cash overtime may be submitted in the format of Attachment 1, or in a format approved by CPA. The date of the work period should be the date that the period began, regardless of whether the employee worked on that date. Additionally, the claim sheet should reflect the entire work period, including scheduled off days, holidays, leave, etc. for that employee, unless prior approval has been obtained to make a special exception.

2) The hourly rate for payment of FLSA Compensatory Time will be calculated based on the employee's monthly salary, plus any additional pay supplements at the time the pay supplements are paid.

2. Department Options - The Department retains the option at any time at its own discretion to either:

a. Monetarily compensate employees for any accumulated balance of compensatory time; or

b. Direct the scheduling of the use of accumulated compensatory time to reduce the retained balances of individual employees.

Q. Use of compensatory time for employee movements in the Department of Corrections:

1. When a non-exempt employee leaves the jurisdiction of an Appointing Authority by promotion, transfer, or demotion, that Appointing Authority must diminish FLSA compensatory time, and the Appointing Authority should make every reasonable effort to assist the employee in diminishing his/her other types of accumulated compensatory time.

a. FLSA compensatory time must be reduced to a zero balance before the effective date of a transfer to another GDC unit. Use of FLSA compensatory time will be at the paygrade in which the employee accumulated the FLSA compensatory time, except for demotion (which
would be effective on the date set by the Appointing Authority).

b. When FLSA compensatory time cannot be brought to a zero balance, payment **must** be made to the employee prior to the transfer.

**NOTE:** If payment is not made prior to the transfer, the local Personnel Representative at the facility/center/office where the FLSA compensatory time was earned must immediately submit a written request (describing the reason(s) it was not paid timely) for a hand drawn check to their assigned CPA Personnel Technician. Payment will be calculated as stated above.

c. Georgia compensatory time must be used within 12 months of accrual. Every effort should be made to require employees with accumulated Georgia Compensatory Time to use the compensatory time and maintain minimal balances.

d. Holiday Deferral (Holiday Comp) must be used within 120 days of being earned and should not be transferred from one Appointing Authority’s unit to another Appointing Authority’s unit. Employees should use accumulated Holiday Deferral in lieu of other paid leave to avoid any situations requiring monetary pay-outs.

R. Use of compensatory time when transferring to other state agencies:

1. Accumulated FLSA compensatory time must be paid upon separation of an employee from GDC. This may be accomplished, if agreeable to the gaining agency, by delaying the effective date of transfer to the gaining agency until the FLSA balance is zero.

2. When FLSA compensatory time cannot be brought to a zero balance, payment **must** be made to the employee prior to the transfer.

3. Accumulated Georgia compensatory time and Holiday deferral will **not** be paid to any employee upon transfer to another state agency. Therefore, it is mandatory that employees use these accumulations and reduce the balances to zero prior to transfer.
VII. RECORD RETENTION:

ATTACHMENT 1 - OVERTIME CLAIM AND PAYMENT REQUEST

Retain in Central Personnel Administration and the local personnel office for a period of three full years.

ATTACHMENT 2 - OVERTIME PAYMENT REQUEST

Retain in Central Personnel Administration and the local personnel office for a period of three full years.

ATTACHMENT 3 - FULL SHIFT OVERTIME VERIFICATION AND PAYMENT REQUEST

Retain in Central Personnel Administration and the local personnel office for a period of three full years.

ATTACHMENT 4 - UNDERSTANDING THE USE OF FLSA COMPENSATORY TIME

Permanent retention in the employee’s official and local personnel files.

ATTACHMENT 5 - IMPORTANT NOTICE TO EMPLOYEES

Permanently post on the "official" Bulletin Board.