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GOVERNOR

State of Alabama Alabama Department of Corrections

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DONAL CAMPBELL
COMMISSIONER

March 8, 2005

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. DEFINITION(S) AND ACRONYM(S)

- 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 Exempt or Non-exempt” 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 Exempt or Non-exempt” as non-exempt.

2. Employees in “May be Either” exempt 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 Correctional Officer I, Correctional Officer II, Correctional Officer Supervisor I, Correctional Officer Supervisor II, Warden I, Warden II, Warden III, Corrections Academy Commandant, Search Party Assistant Dog Handler, Search Party Dog Handler, Correctional Investigative Services Officer, 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 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. Overtime work is authorized and necessary for operations.
 2. Allocated overtime is efficiently managed and utilized.

3. Accountability is maintained for leave and work records.
- C. The ADOC Finance/Accounting Division 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 Director 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's 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 of Operations.
- C. Employees may be required to work mandatory overtime in cases of critical employee shortage or other emergency situations.
- 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 of the 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 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 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 of the 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 of the 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 when a security employee nears the maximum hours of compensatory time allowed (480 hours).
 3. As authorized by the Commissioner 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 Form) 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 to the Institutional/Divisional Timekeeper and/or Payroll Clerk.
 4. The Payroll Clerk shall review and reconcile all ADOC Form 212s with the employee's leave and work record, sign-in/sign-out sheets, and other records documenting hours of work.
 5. The Payroll Clerk shall enter the overtime hours worked by each employee into the Government Human Resource System (GHR) no later than Friday following the pay period in which the overtime was earned.
 6. All compensatory time/overtime hours earned by employees shall in all cases be entered into and documented in the Government Human Resource System (GHR).
 7. The GHR only accepts compensatory time/overtime entries for an employee in a job classified by the State Personnel Department as FLSA non-exempt or "maybe either" and/or as defined by state law as a law enforcement officer (Section 36-21-6, Code of Alabama, 1975). See Annex, FLSA Status – Correctional Employees and Section III.H. above for definition of a security employee.
 8. 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 amount of hours worked and amount of leave hours taken by an employee.
- M. Wardens/Division Directors 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 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 prescribed for this regulation shall be disposed of and retained in accordance with the Departmental Records Disposition Authority (RDA).

VII. FORMS

ADOC Form 212, Compensatory Time/Overtime Approval

VIII. SUPERCEDES

This regulation supercedes Administrative Regulation 212 dated February 23, 1994, as amended.

IX. PERFORMANCE

This administrative regulation updates departmental policies and procedures pertaining to overtime work and is based on, but not limited to, the interpretation and application of the regulations and laws, as amended, below:

- A. Fair Labor Standards Act, 29 U.S.C. 201
- B. Code of Alabama, 1975
 1. Section 36-21-4
 2. Section 36-21-5
 3. Section 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



Donal Campbell, Commissioner

ANNEX(S):

Annex to AR 212 – FLSA Status – Correctional Employees

COMPENSATORY TIME/OVERTIME APPROVAL

Employee's Name: _____

Job Classification: _____ Soc. Sec. Number: _____

Institution/Division of Regular Employment: _____

Institution/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: _____

ADOC Form 212 – March 8, 2005

FLSA STATUS CORRECTIONAL EMPLOYEES

Classification Code	Classification	Status
10121	Clerk	N- Non-exempt
10142	Clerk Steno II	N- Non-exempt
10143	Clerk Steno III	N- Non-exempt
10144	Clerk Steno III	M- May be Either
10145	Executive Secretary	M- May be Either
10196	Admin Support Asst I	N- Non-exempt
10197	Admin Support Asst II	M- May be Either
10198	Admin Support Asst III	M- May be Either
10314	Graphic Arts Specialist	N- Non-exempt
10320	Graphic Arts Ops Supv	E- Exempt
10417	Data Entry Specialist	M- May be Either
10421	IT Operations Tech	N- Non-exempt
10422	IT Operations Specialist	M- May be Either
10516	Programmer Analyst Assoc	E- Exempt
10517	Programmer Analyst	E- Exempt
10525	IT Systems Tech	N- Non-exempt
10526	IT Systems Tech, Sr.	M- May be Either
10527	IT Systems Spec, Assoc	E- Exempt
10528	IT Systems Specialist	E- Exempt
10529	IT Systems Specialist, Sr.	E- Exempt
10537 (Class Terminal)	Data Center Oper Mgr (T)	E- Exempt
10587	IT Manager II	E- Exempt
10601	Account Clerk	N- Non-exempt
10605	Accounting Tech	M- May be Either
10608	Accounting Director I	E- Exempt
10611	Accountant	M- May be Either
10612	Staff Accountant	M- May be Either
10613	Senior Accountant	E- Exempt
10614	Accounting Manager	E- Exempt
10830	Personnel Assistant I	N- Non-exempt
10831	Personnel Assistant II	M- May be Either
10832	Personnel Assistant III	M- May be Either
10853	Dept. Personnel Manager III	E- Exempt
10901	Canteen Clerk	N- Non-exempt
10905	Canteen Manager	M- May be Either
10911	Stock Clerk I	N- Non-exempt
10914	Mechanical Stock Clerk	N- Non-exempt
10920	Warehouse Worker	N- Non-exempt
10924	Warehouse Supervisor	M- May be Either
10928	Warehouse Superintendent	M- May be Either
10930	Property Inventory Officer	M- May be Either
10935	Supply Officer	M- May be Either

Classification Code	Classification	Status
10952	Buyer II	E- Exempt
11043	Public Information Manager	E- Exempt
11301	Corr Ind Marketing Rep	E- Exempt
11533	Attorney III	E- Exempt
11534	Attorney IV	E- Exempt
11914	State Professional Trainee	N- Non-exempt
11921	Administrative Analyst I	E- Exempt
11922	Administrative Analyst II	E- Exempt
11925	Planning & Evaluation Supv	E- Exempt
11936	Admin Services Officer I	E- Exempt
11978	Departmental Operations Spec	M- May be Either
20654	PH Environmental Supv	E- Exempt
21110	Radio Operator	N- Non-exempt
21121	Police Comm Officer I	N- Non-exempt
21156	Communications Tech II	N- Non-exempt
21157	Communications Tech Supv	N- Non-exempt
41035	Mental Health Technician	N- Non-exempt
50201	Social Worker I (T)	N- Non-exempt
50335	Drug Treatment Counselor	M- May be Either
50338	Drug Program Supervisor	E- Exempt
50339	Drug Program Specialist	M- May be Either
50340	Classification Specialist	N- Non-exempt
50343	Classification Specialist Supv	M- May be Either
50381	Psychological Associate I	E- Exempt
50382	Psychological Associate II	E- Exempt
50383	Psychologist	E- Exempt
50384	Senior Psychologist	E- Exempt
60301	Corr Invest Services Officer	N- Non-exempt
60304	Corr Invest Services Asst. Director	E- Exempt
60620	Search Party Asst. Dog Handler	N- Non-exempt
60622	Search Party Dog Handler	N- Non-exempt
60711	Correctional Officer I	N- Non-exempt
60712	Correctional Officer II	E- Exempt
60714	Correctional Officer Supv I	E- Exempt
60715	Correctional Officer Supv II	E- Exempt
60718	Corr Grievance & Liaison Off	E- Exempt
60732	Corr Records Director	E- Exempt
60733	Correctional Records Supv	E- Exempt
60734	Correctional Class Director	E- Exempt
60735	Correctional Class Asst. Director	E- Exempt
60742	Correctional Warden I	E- Exempt
60762	Correctional Warden II	E- Exempt
60763	Correctional Warden III	E- Exempt
60765	Correctional Institutional Coord	E- Exempt
60781	Corr Industries Director	E- Exempt

Classification Code	Classification	Status
60782	Corr Industries Program Director	E- Exempt
60786	Correctional Maint & Const Dir	E- Exempt
60787	Corr Industries Const Estimator	N- Non-exempt
60788	Institutional Services Director	E- Exempt
60792	Corr Community Prog Director	E- Exempt
60795	Corrections Associate Comm	E- Exempt
70304	Livestock Supervisor	M- May be Either
70305	Livestock Manager	M- May be Either
70320	Farm Supervisor	M- May be Either
70325	Farm Manager	M- May be Either
70330	Institution Ranch Supt.	E- Exempt
80101	Custodial Worker	N- Non-exempt
80221	Laundry Manager I	M- May be Either
80222	Laundry Manager II	M- May be Either
80341	Steward I	N- Non-exempt
80342	Steward II	M- May be Either
80343	Steward III	M- May be Either
80360	Food Service Specialist	E- Exempt
86010	Deputy Commissioner	E- Exempt
90103	Utility Laborer	N- Non-exempt
90140	Grounds Worker	N- Non-exempt
90311	Equipment Operator I	N- Non-exempt
90312	Equipment Operator II	N- Non-exempt
90405	Auto Body Repairer	N- Non-exempt
90406	Vehicle Repair Bdy/Fnd Supv	N- Non-exempt
90434	Auto Mechanic	N- Non-exempt
90436	Heavy Equipment Mechanic	N- Non-exempt
90438	Lead Equipment Mechanic	M- May be Either
90450	Equipment Repair Supv	M- May be Either
90454	Vehicle Repair Plant Supv	E- Exempt
90466	Equipment Maintenance Supt.	E- Exempt
90503	Plant Maintenance Worker	N- Non-exempt
90507	Heating & Air Cond Tech I	N- Non-exempt
90508	Heating & Air Cond Tech II	N- Non-exempt
90509	Heating & Air Cond Supv	M- May be Either
90524	Mason Supervisor	M- May be Either
90532	Painter Supervisor	M- May be Either
90542	Plumber Supervisor	M- May be Either
90552	Maintenance & Repair Supervisor	M- May be Either
90572	Carpenter Supervisor	M- May be Either
90574	Cabinet Maker	N- Non-exempt
90576	Cabinet Shop Supervisor	E- Exempt
90582	Electrician	N- Non-exempt
90584	Electrician Supv	M- May be Either
90597	Plant Maintenance Supv I	M- May be Either
90598	Plant Maintenance Supv II	E- Exempt
90599	Plant Maintenance Supv III	E- Exempt

Classification Code	Classification	Status
90602	Furniture Restor Uphol Supv	M- May be Either
90725	Food Processing Supt.	E- Exempt
90801	Metal Shop Asst. Supv.	N- Non-exempt
90813	Clothing Factory Supv I	M- May be Either
90814	Clothing Factory Supv II	E- Exempt
90816	Assistant Chemical Plant Supv	M- May be Either
90817	Chemical Plant Supv	E- Exempt
90820	Food Processing Supervisor	M- May be Either
90840	Corr Industries Supv	E- Exempt
90850	Meat Processing Supervisor	N- Non-exempt
90851	Meat Processing Supt.	E- Exempt
90861	Box & Carton Mfg. Plant Mgr.	E- Exempt
99417	Deputy Attorney General	E- Exempt
99447 (50330)	Chaplain	E- Exempt