



pennsylvania

OFFICE OF ADMINISTRATION

HUMAN RESOURCES AND MANAGEMENT

MEMO

TO: ALL HUMAN RESOURCE DIRECTORS OF ALL DEPARTMENTS, INDEPENDENT ADMINISTRATIVE BOARDS AND COMMISSIONS AND OTHER STATE AGENCIES UNDER THE GOVERNOR'S JURISDICTION

FROM: 
James A. Honchar, SPHR
Deputy Secretary Human Resources and Management

DATE: November 9, 2009

RE: Time Rules Clarification

Over the previous year, key OA staff in addition to the Bureaus of Integrated Enterprise System and Commonwealth Payroll Operations/Bureau of Quality Assurance have defined, documented, configured and tested in SAP the time rules required to automate overtime calculations pursuant to the full time evaluation initiative. Throughout this process, several scenarios were identified where manual pay calculation practices were not being applied consistent with the Office of Administration's interpretation of the related contracts.

In an effort to standardize pay processes across the Commonwealth, the process clarifications listed below should be adopted by all agencies effective 12/5/09 (Z3), 12/12/09 (Z2) and 12/13/09 (Z1). The Bureau of Quality Assurance will be auditing to these standards effective the same dates. These clarifications are specific to AFSCME unless otherwise noted below.

1. Overtime:

Within the required calculation period (weekly or biweekly), all manual overtime calculations should be performed in the following order:

1. Overtime worked on scheduled days should be calculated prior to calculations for working on a regular day off (RDO). Off days should be calculated in the order they occur.
2. When calculating overtime on a scheduled work day, all regular and overtime hours for the day are calculated prior to calculations for working through the 1st rest period, meal period, and/or 2nd rest period.
3. When calculating overtime on a regular day off (RDO), hours worked are evaluated in the order in which the work occurs. Note: The calculation rate for a worked rest period is based on the start time of the (WBR*) entry.

Note: An employee cannot receive a mixture of both pay and compensatory time for a single overtime assignment.

2. Call Time:

When an employee covered by the AFSCME, PDA, PSTA or UGSOA contracts is called in to work, the actual time worked is paid at the appropriate rate based on the overtime provisions. Any balance of hours to reach the call time minimum is paid at the straight time rate.

3. Holidays:

A. When an employee (contract covered or management) is ineligible for an earned holiday due to not being in an active pay status on the full last ½ of the employee's scheduled work day immediately prior and the full first ½ of the employee's scheduled work day immediately following the holiday, the employee is still entitled to time and one-half for all hours worked on the holiday, and also paid time off (compensatory time) for all hours worked on the holiday up to a full shift.

B. When a permanent management employee (exempt or non-exempt) works on a holiday, hours worked are paid at straight time rate plus paid time off (comp/holiday) for hours worked up to a full shift. *The Personnel Rules will be updated to reflect this interpretation.*

Note: For non-exempt management employees – The overtime provisions apply for hours worked outside the scheduled shift in addition to the compensatory time up to a full shift.

C. When an employee works outside of their scheduled shift on a holiday, the holiday provision can be fulfilled by granting compensatory time in lieu of premium overtime pay provided there is an agreement between the employee, union, and management.

D. When an employee works inside their scheduled shift on a holiday, the employee must be paid at the appropriate rate based on the holiday provision. Employees cannot receive compensatory time in-lieu-of pay for the hours worked inside the scheduled shift.

E. When the holiday falls on a regularly scheduled day off (RDO), the overtime provisions apply in addition to the compensatory time up to a full shift.

4. Differentials:

A. Employees are to be compensated for differentials at the straight time rate for hours worked inside the scheduled shift on a holiday. Applicable overtime provisions are to be used to determine differential (i.e., higher class, shift differential) rates (straight time, time and one half or double time) for hours worked outside the scheduled shift on the holiday.

B. Regardless of whether overtime worked on a scheduled day off (RDO) is for a full shift or greater than a full shift, shift differential is paid based on the start time of the overtime.

C. When a full shift of overtime is worked on a RDO, shift diff is paid for the hours due shift differential regardless of whether they are adjacent to the regular work schedule for the next day.

D. Shifts of OT on off days (day is defined by the 24 hour clock on the last scheduled day) are due shift differential when a full shift or more begins at a shift differential eligible time.

5. Insufficient Return Time:

When a change in an employee's scheduled shift results in insufficient return time (a shift begins earlier than the previous day's shift), the overlapping hours should count towards 40/80 for the week or pay period for computation of hours worked toward premium overtime. If the change in schedule results in a shift eligible for differential, it would be paid at the straight time rate.

Examples of each of these scenarios are in the attached appendix to help agency Time and Attendance staff ensure that all manual overtime calculations meet the standards outlined below.

If you have any questions regarding the content of this memorandum, please contact the Salary and Time Administration Division at 783-8141.

Attachments

cc: Secretary Naomi Wyatt, OA
Jay Gasdaska, OA
Ralph Perez-Bravo, OA
David Kessler, BCPO