

# DAS Directive

Directive No. **HR-D-08**  
Effective Date: **09-01-2009**



To: All Appointing Authorities and Personnel Officers  
From: Hugh Quill, *Director of Administrative Services*  
Re: Compensatory Time

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## PURPOSE

To encourage all agencies to adopt a compensatory time policy which complies with the Fair Labor Standards Act, section 124.18 of the Ohio Revised Code and Chapter 123: 1-43 of the Ohio Administrative Code.

## GENERAL

This directive applies only to employees who are exempt from collective bargaining and are overtime exempt pursuant to section 124.18 of the Revised Code and the Fair Labor Standards Act. Compensatory time can be earned by employees only for work hours which are immediately necessary to the operation of the office.

## Work Schedules

1. An agency may approve a standard 40 hour work week schedule for overtime exempt employees. No compensatory time will be granted for office work which could have been completed during the 40 hour week. An overtime exempt employee who is required by an administrative supervisor to be in an active pay status for more than 40 hours in any calendar week may accrue compensatory time.
2. An agency may approve a flexible work schedule for overtime exempt employees that permits an employee to flex up to 80 hours in the same pay period. No compensatory time will be granted for office work which could have been completed during an 80 hour flexible work schedule. A flexible hour overtime exempt employee who is required by an administrative supervisor to be in active pay status for more than 80 hours in the same pay period may accrue compensatory time.
3. Pursuant to section 123:1-47-01(A)(2) of the Administrative Code, "active pay status" means the conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays and personal leave.

The following criteria apply to the accrual and use of compensatory time:

1. Compensatory time accrues on an hour-for-hour basis and may be accrued in one-tenth of one hour increments.

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2. No compensatory time can accrue during an employee's lunch hour or for work completed at home.
3. Use of compensatory time requires prior approval by a supervisor and must be taken at a mutually convenient time. Compensatory time may be used in intervals of one-tenth of one hour.
4. Compensatory time use must be documented on a leave form signed by the employee and the employee's supervisor prior to leave being taken.
5. The maximum amount of compensatory time, which an employee may accrue, is 120 hours. Any compensatory time accrued must be used within 180 days after accrual.
6. Compensatory time balances will be kept by the payroll officer designated by the Director. A report of compensatory time balances will be issued at the end of each month to each employee, as well as the payroll officer designated by the Director. Compensatory time balances may be maintained and reported on the employee's pay check stubs.
7. Cash payment for accrued compensatory time is not permitted. Employees may not convert compensatory time to any other form of leave. All compensatory time balances will be forfeited upon termination of employment. Compensatory time may not be used to extend an employee's date of resignation or date of retirement. No compensatory time accrued in another state department or agency will be transferable.

## ENFORCEMENT

All agencies are responsible for implementation and enforcement of this directive, and are responsible for compliance with the Fair Labor Standards Act, Ohio Revised Code, and any applicable collective bargaining agreements. This directive has been approved by Administrative Services pursuant to section 124.18 of the Revised Code and may be adopted by all agencies.

This directive supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

## AUTHORITY & REFERENCE

ORC 124.18  
OAC 123:1-45-01  
OAC 123:1-43-01 through 123:1-43-02  
OAC 123:1-32-07(G)