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Subject: Overtime Pay/Compensatory Time Off	Policy/Procedure Number: 00013
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Applicable To: Legislative Staff	Revision Date:
Issued By: Legislative Office of Human Resources	Approved By: Joint Legislative Management Committee

PURPOSE AND POLICY STATEMENT

Legislative employees may be asked or expected to work more than 40 hours in a work week, especially during the legislative session, and the Vermont General Assembly wants them to be eligible for overtime pay or compensatory time off in recognition of their hours worked in excess of their regularly scheduled hours. This policy attempts to balance parity for year-round employees with flexibility for those employees who would otherwise be eligible for overtime pay if federal and State overtime laws applied to legislative staff, while also recognizing that seasonal and temporary employees do not have reasonable access to the same options that may be available to year-round employees.

DEFINITIONS

Year-Round Exempt Employee — An employee who is anticipated to remain employed with the General Assembly throughout the calendar year in a position that would be considered executive, administrative, and/or professional under the federal Fair Labor Standards Act and 21 V.S.A. § 383 and therefore exempt from the federal and State overtime pay requirements.

Year-Round Nonexempt Employee — An employee who is anticipated to remain employed with the General Assembly throughout the calendar year in a position that would not qualify for an exemption from the federal and State overtime pay requirements if those requirements applied to employees of the General Assembly.

Seasonal or Temporary Exempt Employee — An employee whose position is not a year-round position but is either scheduled to terminate following the conclusion of the legislative session or is otherwise temporary in nature and is a position that would be considered executive, administrative, and/or professional



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under the federal Fair Labor Standards Act and 21 V.S.A. § 383 and therefore exempt from the federal and State overtime pay requirements.

Seasonal or Temporary Nonexempt Employee — An employee whose position is not a year-round position but is either scheduled to terminate following the conclusion of the legislative session or is otherwise temporary in nature and is a position that would not qualify for an exemption from the federal and State overtime pay requirements if those requirements applied to employees of the General Assembly.

GENERAL GUIDELINES

As set forth in this policy, employees shall be eligible to receive overtime pay or compensatory time off for hours worked during a work week in excess of 40 hours. Unused compensatory time will expire at the end of the fiscal year following the calendar year in which it was earned. All employees shall report on their timesheets their approved overtime hours worked.

Year-Round Exempt Employees

Year-round exempt employees, including the Chief of Capitol Police, shall be eligible to receive compensatory time off for hours worked in excess of 40 hours in any work week at a rate of one hour of compensatory time for each hour worked over 40 hours. Use of compensatory time off is subject to the approval of the employee's supervisor and will be approved only if the supervisor determines that the time off will not disrupt or adversely impact the work of the General Assembly and other legislative employees.

Year-Round Nonexempt Employees

Year-round nonexempt employees shall be eligible to choose to receive either overtime pay or compensatory time off for hours worked in excess of 40 hours in any week. Overtime pay or compensatory time off, as applicable, shall accrue at a rate of one hour for each hour worked over 40 hours.

Year-round nonexempt employees shall annually elect to receive either overtime pay or compensatory time off for their time worked over 40 hours in a week. Elections may be made each November at a time and in a manner directed by the Legislative Office of Human Resources. An employee's election to receive overtime pay or compensatory time off shall apply to and remain in effect for the full calendar year following the election. An employee may request to change the election due to a change in the employee's circumstances or another compelling reason by notifying the employee's supervisor and the Legislative Office of Human Resources at any time. An employee's request to change the election



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during the year shall be subject to the approval of the supervisor in consultation with the Director of Legislative Human Resources.

Use of compensatory time off is subject to the approval of the employee's supervisor and will be approved only if the supervisor determines that the time off will not disrupt or adversely impact the work of the General Assembly and other legislative employees.

Capitol Police Department Employees

Employees of the Capitol Police Department other than the Chief of Capitol Police shall be eligible to choose to receive either overtime pay or compensatory time off for hours worked in excess of 40 hours in any week. Overtime pay or compensatory time off, as applicable, shall accrue at a rate of 1.5 hours for each hour worked over 40 hours.

Employees of the Capitol Police Department other than the Chief of Capitol Police shall annually elect to receive either overtime pay or compensatory time off for their time worked over 40 hours in a week. Elections may be made each November at a time and in a manner directed by the Legislative Office of Human Resources. An employee's election to receive overtime pay or compensatory time off shall apply to and remain in effect for the full calendar year following the election. An employee may request to change the election due to a change in the employee's circumstances or another compelling reason by notifying the Chief of Capitol Police and the Legislative Office of Human Resources at any time. An employee's request to change the election during the year shall be subject to the approval of the Chief of Capitol Police in consultation with the Director of Legislative Human Resources.

Use of compensatory time off by employees of the Capitol Police Department is subject to the approval of the Chief of Capitol Police and will be approved only if the Chief determines that the time off will not disrupt or adversely impact the work of the General Assembly and other legislative employees.

Seasonal and Temporary Employees

Seasonal and temporary nonexempt employees shall be eligible to receive overtime pay for hours worked in excess of 40 hours in any week at a rate of 1.5 hours of pay for each hour worked over 40 hours. Seasonal and temporary exempt employees shall be eligible to receive overtime pay for hours worked in excess of 40 hours in any week at a rate of one hour of pay for each hour worked over 40 hours. A seasonal or temporary employee shall obtain approval from the employee's supervisor prior to working overtime.



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This document is subject to change and is not intended to establish a contract of employment or any contractual rights.

Employees with questions, concerns, or disputes with the content of this policy must notify their direct supervisor/director or the Office of Legislative Human Resources at the Vermont General Assembly, Montpelier, VT, in writing, which may include e-mail.