

123:1-43-01

Overtime.

- (A) An employee paid by warrant of the director of budget and management or an employee of a county department of human services who is eligible to receive overtime compensation and who is required by an administrative superior to be in an active pay status for more than forty hours in any calendar week shall be entitled to overtime compensation or compensatory time as provided in rule 123:1-43-02 of the Administrative Code. Sick leave and any leave used in lieu of sick leave shall not be included in the definition of active pay status for the purpose of earning overtime or compensatory time for employees who are eligible for overtime compensation and whose wages are paid directly by the director of budget and management. Where employees are not paid directly by warrant of the director of budget and management, the political subdivision shall determine if sick leave shall be included in the definition of active pay status for the purpose of earning overtime or compensatory time.
- (B) Compensation. An employee who is eligible for overtime compensation shall be entitled to compensation for such time over forty hours at one and one-half times the employee's regular rate of pay as defined in division (F) of section 124.18 of the Revised Code. An ~~The~~ employee who is eligible to accrue leave pursuant to sections 124.134, 124.382, and 124.386 of the Revised Code may elect to take compensatory time off in lieu of overtime pay on a time and one-half basis. An employee who is not eligible to accrue leave pursuant to sections 124.134, 124.382, and 124.386 of the Revised Code may not elect to take compensatory time of in lieu of overtime pay.
- (C) Overtime exemptions. The appointing authority of each state agency, board, commission, or county department of human services may designate positions, for which the duties are professional, administrative or executive in nature, as overtime-exempt.
- (D) Holidays. When an employee who is eligible for overtime compensation is required to work on a day designated as a holiday by section 124.19 of the Revised Code, he or she shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay as defined in division (F) of section 124.18 of the Revised Code in addition to holiday pay.

When calculating overtime for a calendar week which includes a holiday, the automatic eight hours of holiday pay is considered as time in active pay status regardless of whether or not the employee worked on such holiday. Time actually worked on a holiday is not considered time in active pay status for overtime calculations because separate compensation is already paid.

Effective:

R.C. 119.032 review dates: 05/15/2013

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 124.09
Rule Amplifies: 124.18
Prior Effective Dates: 1/2/77, 8/24/81, 2/4/96, 11/10/96, 7/1/97 (Emer.),
9/28/97, 7/1/06, 12/1/06, 1/18/09