



<b>Policy</b>	
<b>4023 Overtime</b>	
<b>Developed By:</b> Human Resources	<b>Effective Date:</b> 5/19/2022
<b>Policy Owner:</b> William Nickerson	<b>Approved by:</b> Michael L. Gustafson, MD, MBA President, UMass Memorial Medical Center
<b>Applicability:</b> All non-exempt employees of UMass Memorial Medical Center except that if any conflict exists between this policy and a provision of a collective bargaining agreement, the applicable provision(s) of the collective bargaining agreement will control.	
<b>Keywords:</b> overtime	

## Policy

Non-exempt employees working standard schedules (8 hours or less per work day) will be paid at one and one half (1-1/2) times their regular hourly rate of pay for hours worked over 8 hours in a work day or after 40 hours in a work week unless a Shift Agreement has been executed between the employee and their manager.

- A. Non-exempt employees who work a flexible schedule will receive overtime pay for hours worked in excess of their budgeted daily hours if their budgeted daily hours are in excess of 8 hours, or after working 40 hours in the work week.
  - Example: An employee is scheduled to work four 10 hour shifts each week. Hours worked in excess of 10 hours in a work day will be paid at the overtime rate. If the employee works his/her regular schedule of 10 hours for 4 days and works additional hours during the remaining work week resulting in working over 40 hours during that work week, he/she will be paid at the overtime rate for all hours worked in excess of 40 hours during that work week.
- B. Employees scheduled to work less than 8 hours in a work day or 40 hours in a work week will be paid at their regular hourly rate of pay for additional time worked up to 8 hours in a work day or 40 hours in a work week. Hours worked in excess of 8 hours in a work day or in excess of 40 hours in a work week will be paid at the appropriate overtime rate.
  - Example: An employee is scheduled to work five 4 hour shifts each week. Hours worked in excess of 4 hours in a work day will be paid at the employee's regular hourly rate of pay. If the employee works in excess of 8 hours during that work day, he/she will be paid at the overtime rate for all hours worked in excess of 8 hours during that day.

**Overtime Eligibility**

To determine eligibility for overtime for hours worked over 8 hours in a work day, all hours worked by non-exempt employees **immediately** preceding or following their regularly scheduled shifts are considered as having been worked on the same work day as their regular shifts.

**Included in calculation of overtime rate:**

- Employee's regular rate of pay including all pay differentials (e.g., on-call pay, shift and/or charge differentials) paid during the work week
- Overtime eligible bonuses
- Retroactive wage increases that are applicable for the particular work week

**Hours counted for determining overtime:**

- All hours worked during a work week
- Holiday pay

**Hours not counted for determining overtime**

- Vacation
- Earned time, sick pay, personal time
- Bereavement
- Time paid or subsidized for jury duty

Daily and weekly overtime pay may not be pyramided or duplicated. Accordingly, employees are not eligible to receive both daily and weekly overtime pay; only one overtime premium will apply.

Compensatory time off in lieu of the payment of overtime pay is never permitted.

## Definitions

**Non-Exempt** - A "Non-Exempt" employee is subject to the minimum wage and overtime provisions of the Federal Fair Labor Standards Act (the "FLSA") and Massachusetts state law.

**Standard workweek** – All entities under the UMass Memorial Medical Center payroll will operate on standard 7-day workweek.

**8 hour daily schedule**

The seven-day workweek will begin at 11:00 PM each Saturday and end the following Saturday at 10:59 PM for all employees on an 8 hour daily schedule.

**10 hour daily schedule**

The seven-day workweek will begin at 9:00 PM each Saturday and end the following Saturday at 8:59 PM for all employees on a 10 hour daily schedule.

**12 hour daily schedule**

The seven-day workweek will begin at 7:00 PM each Saturday and end the following Saturday at 6:59 PM for all employees on a 12 hour daily schedule.

**Work Day** - The typical work day consists of an eight hour shift. The shift length for a non-exempt employee may vary based on operational needs. Day and evening shifts are typically eight-and-a-half hour shifts. Night shifts are typically eight hour shifts. Certain shifts may vary; therefore, employees are encouraged to ask their HR Business Partner for clarification.

## General Procedure

To ensure ongoing effective operations, employees may be required to work reasonable amounts of overtime on an as-needed basis. Whenever possible, overtime will be equitably distributed among eligible employees.

Department Heads or their designees will assign overtime, giving advance notice whenever feasible. However, emergency situations and/or other unanticipated needs may prevent advance notice.

In the case of emergency situations and/or other unanticipated needs, employees may be required to work in excess of the hours listed below, at the direction of Department Heads or their designees.

### **Overtime Limits:**

Employees shall not be permitted to work more than 16 continuous hours at any one time. In the event that an employee does work for 16 continuous hours, the employee will not be permitted to work another shift without a minimum of 10 hours of work-free time between shifts. No employee may work more than 56 hours per week. No employee may be required to work more than six (6) consecutive days without a minimum of 24 hours of work-free time.

### **Overtime Approval:**

Employees are not permitted to work overtime without the prior approval of the employee's manager or department head. Employees will be paid for all overtime work but will be subject to discipline up to and including discharge if the overtime work was not pre-authorized. If an employee has worked unauthorized overtime, the employee's supervisor should: (1) Discuss with the employee the need to obtain authorization to work in excess of the employee's scheduled hours; (2) Issue a warning to the employee; (3) Maintain the documentation in the manager's employee file; and (4) place employee on notice that any further work without approval may result in termination. Management reserves the right to cancel pre-approved overtime.

Any exceptions to this policy must be approved by the SVP Chief HR Officer.

**No changes to this policy may be made in isolation or independently.**

## Clinical/Department Specific Procedures

N/A

## Supplemental Materials

[Shift Agreement](#)

## Rescission

Supersedes policy dated: 11/1/2018

## References

[UMMH Policy: Payroll Pay Periods](#)