



*State of New Jersey*

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MENTAL HEALTH SERVICES

Capital Center, 50 E. State Street  
Post Office Box 727  
Trenton, New Jersey 08625

RICHARD J. GOBEY  
*Acting Governor*

JAMES M. DAVY  
*Commissioner*

ALAN G. KAUFMAN  
*Director*

**DIVISION OF MENTAL HEALTH SERVICES**

**ADMINISTRATIVE BULLETIN TRANSMITTAL MEMORANDUM**

Effective Date: December 15, 1999

Revised: November 18, 2004

**TO: CENTRAL OFFICE STAFF**

**SUBJECT: Administrative Bulletin 4:17  
Policy on Overtime Eligibility and Compensation**

The attached revised Administrative Bulletin is being forwarded for your review, action if necessary, and distribution to staff as appropriate. Please be advised that each recipient of this bulletin is responsible for being familiar with the content and ensuring that all affected personnel adhere to it. Also attached is a revised Administrative Bulletin Index for your Manual.

  
Alan G. Kaufman  
Director

AGK:pjt  
Attachment

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MENTAL HEALTH SERVICES  
CENTRAL OFFICE

ADMINISTRATIVE BULLETIN 4:17

**Policy on Overtime Eligibility and Compensation**

I. **General Policy Statement:**

Eligibility for cash compensation or compensatory time off (CTO) is based on title and workweek designations as defined by the Department of Personnel; and upon the number of hours of overtime worked, either between 35 and 40 hours, or in excess of 40 hours. (Refer to NJAC 4A:3.5). For purposes of determining overtime eligibility and compensation, the Workweek is considered as running from Saturday through Friday.

- A. Titles which may be eligible for cash compensation, for hours worked in excess of the normal Workweek, are those Titles defined below as being in a 35 or 40 Hour Workweek.
- B. Those titles defined as being in an NE Workweek may be eligible for cash compensation for hours worked only in excess of 40 hours during the Workweek.

Employees in the above groups may receive cash compensation at 1 1/2 times their normal rate of pay, or CTO at 1 1/2 times the hours worked at the discretion of the Appointing Authority. (See COMPENSATION below for details.)

- C. Employees in NL Titles are not eligible for cash compensation for hours worked in excess of the normal Work Week, although they may be eligible for CTO for unusual work time to a maximum of hour for hour. (Please refer to COMPENSATION below for specific minimum hours required before the granting of CTO for NL employees will be considered.)
- D. Employees in M Titles, Range 32 and above, are not eligible to earn cash overtime or CTO.
- E. It is the policy of the Division to limit the employee's accumulation of cash overtime payments and/or compensatory time balances through the adjustment, whenever possible, of the employee's workweek. Accordingly, Supervisors are advised that they are expected to adjust an employee's Workweek, whenever possible, rather than to automatically approve overtime or CTO.

- F. Adjustment of the workweek is also known as "flexing" the workweek. Flexing of the workweek by definition permits adjustment of an employee's workweek only within the 70 hour payperiod and is therefore not considered overtime. Such adjustment is not permitted as a routine practice and flexing may only occur within the current payperiod. Flextime may not be routinely used in combination with other types of paid leaves and must always be approved in advance, by the supervisor.
- G. Employees performing field work may either be given credit for commutation on that work day or have their work hours modified to include the commutation. This applies only for commutation time in excess of normal commutation time that occurs when assigned to their regular worksite.

II. **Title Destinations:**

- A. The following Titles, utilized in Central Office, are defined as being in a 35 Hour Workweek:

1. Clerk Typist
2. Head Clerk
3. Head Audit Account Clerk
4. Senior Clerk Transcriber
5. Secretarial Assistant 2
6. Secretarial Assistant 3

- B. The following Title, utilized in Central Office, is defined as being in a 40 Hour Workweek:

1. Principal Postal Clerk

- C. The following Titles, utilized in Central Office, are defined as being in an NE (No Limit, covered) Workweek:

1. Administrative Analyst IV
2. Secretarial Assistant 1
3. Supervisor, Personnel Records and Payroll Processing II
4. Technical Program Assistant

- D. All other Titles, utilized in Central Office, are defined as being in a NL (No Limit, exempt) Workweek.

### III. **Specific Policy Statement:**

- A. Overtime is defined as that work which is assigned by an employee's supervisor, which cannot be accomplished by the employee during normal working hours, which extends the employee's normal workday, and which results in time worked in excess of the normal Workweek designation.
1. A request for cash or CTO compensation must be indicated on the Employee's Bi-Weekly Time Sheet as an Exception.
  2. The request must also be accompanied by an Overtime/Compensatory Time Authorization Form, signed by the Assistant Director of the Office.
- B. Working through any portion of a lunch hour and/or break in order to accrue overtime is prohibited. Should an emergent need to assign lunchtime overtime occur, the supervisor is to adjust the employee's workday/workweek whenever possible, such as by allowing the employee to take a late lunch upon completion of the assignment or by allowing the employee to report to work one (1) hour late on a workday in the same payperiod. *A minimum one-half (1/2) hour lunch break is always required.*
- C. In order to be eligible for possible overtime compensation, employees must be in pay status for their full normal Workweek, and must work a minimum of one (1) hour beyond their normal workday. If an employee is required to work less than one (1) hour beyond his/her workday, the supervisor is to "adjust" the employee's time whenever possible.
- D. Employees who receive CTO cannot accumulate more than sixty (60) hours of such time. Employees who have such accumulation, or above, should promptly schedule, in consultation with their supervisors, the utilization of time off to bring their hours down to the authorized level. This is mandatory before the end of the calendar year. Any CTO in excess of 60 hours on an employee's year end time balance will be forfeited.

### IV. **Compensation:**

#### A. 35 and 40 Hour Workweek Employees:

Cash compensation at one and one-half times the regular hourly rate or CTO at one and one-half times the hours worked in excess of the regular Workweek.

B. NE Workweek Employees:

In excess of 35 but not more than 40 hours per Workweek:

No cash compensation

CTO for unusual work time to a maximum of hour for hour

In excess of 40 hours per Workweek:

Cash compensation at one and one-half times the regular hourly rate or CTO at one and one-half times the hours worked in excess of the regular workweek.

C. NL Workweek Employees

Employees whose workweek designation is "non-limit" (NL) are not eligible for overtime or compensatory time. However, where unusual or extraordinary requirements for additional work time exist employees in this category may qualify for compensatory time off on an hour for hour basis for time worked in excess of 35 hour workweek or have their workweek adjusted (flex) within the pay period with the supervisor's approval.

Compensatory time on an hour for hour basis may be granted for working on a holiday or regular day off (e.g. Saturday).

Unusual Work – Unforeseeable circumstances where is critical to have employees work beyond the normal working hours.

Include situations where an employee is assigned to work beyond their regular workweek several times for three or more hours, weekends and holidays.

D. Range 32 and above are not eligible for overtime and shall not be granted compensatory time off.

**SEE ATTACHED CHART FOR SUMMARY INFORMATION**

**NOTE: THIS POLICY SUPERCEDES ANY PRIOR DMHS POLICY ON OVERTIME**

  
Alan G. Kaufman, Director

11/18/04  
DATE

**OVERTIME ELIGIBILITY AND COMPENSATION CHART**

<b><u>ELIGIBILITY STATUS</u></b>		<b><u>COMPENSATION</u></b>	
<b>COMP PLAN</b>	<b>IN EXCESS OF 35 BUT NOT MORE THAN 40 HOURS PER WORKWEEK</b>	<b>IN EXCESS OF 40 HOURS WORKWEEK AS PRESCRIBED BY FLSA</b>	
35 (covered)	35	Cash compensation at one and one-half times the hourly proration of the base salary or compensatory time off (CTO) at one and one-half times the hours worked.	Cash compensation at one and one-half times the regular rate or CTO at one and one-half times the hours worked providing the Employee has not accrued more than 60 hours of CTO.
35 (exempt)	3E	Cash compensation at one and one-half times the hourly proration of the base salary or CTO at one-half times the hours worked	Cash compensation at one and one-half times the hourly proration of the base salary or CTO at one and one-half times the hours worked.
40 (covered)	40	Not Applicable	Cash compensation at one and one-half times the regular rate or CTO at one and one-half times hours worked providing the the Employee has not accrued more than 60 hours of CTO.
40 (exempt)	40	Not Applicable	Cash compensation at one and one-half times the regular rate or CTO at one and one-half times the hours worked.
NL (covered)	NE	No cash compensation CTO for unusual work time to a maximum of hour for hour between 35 and 40 hours in the workweek.	Cash compensation at one and one-half times the regular rate or CTO at one and one-half times the hours worked.
NL (exempt)	NL	No cash compensation CTO for unusual work time between 35 and 40 hours at hour for hour	No cash compensation. CTO for unusual work time to a maximum of hour for hour for more than 40 hours worked.
NL4 (exempt)	N4	Not Applicable	No cash compensation. CTO for unusual work time to a maximum of hour for hour for more than 40 hours worked.
M32 and Above		Not Applicable	Not Applicable