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Tim Longmeyer
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MEMORANDUM

PERSONNEL MEMO 13-09

TO: Cabinet Secretaries
Agency Heads
Constitutional Officers
HR Administrators

FROM: Tim Longmeyer, Secretary **TML**

DATE: April 15, 2013

SUBJECT: Handling of Planned Overtime

Effective May 1, 2013, planned overtime shall be allocated to all classified, merit employees who do not serve in supervisory or management positions in a manner that provides capable employees the opportunity for overtime based upon seniority.

101 KAR 2:095, Section 2 authorizes an appointing authority to assign overtime to classified employees in the best interest of the agency. The Commonwealth values transparency in all aspects of state government, and strives for the fair and equitable treatment of employees. When possible, the assignment of overtime based upon objective factors will help achieve these goals.

In order to qualify as planned overtime, two elements must be met: 1) either the supervisor or management must be aware of the need for the overtime at least seventy-two (72) hours ahead of the time the work is required to be performed; and 2) the overtime work must be of a nature that it can be assigned to a number of individuals and is not specifically required to be assigned to a particular employee because of factors like facility assignment, shift assignment, population served, continuity of services, etc. If overtime work meets these two criteria, it constitutes planned overtime subject to this policy.

In order to administer the seniority preference with respect to overtime, agencies must maintain a "voluntary overtime list" for respective facilities, districts, or work stations. Classified employees who are ready, willing, and able to perform planned overtime for a certain month shall sign the "voluntary overtime list." The "voluntary overtime list" shall be completed and reviewed on a monthly basis to allow for the consideration of an employee's personal schedule and availability to complete planned overtime during a particular month.

All planned overtime must first be offered to the most senior person on the "voluntary overtime list." The most senior employee is the employee with the most total state service, as defined in KRS 18A.005(36). The employee must be capable of performing the overtime work based upon the specific duties required, and the employee shall be employed in the same agency, county and facility/district/work station for which the overtime need has arisen. If this person declines to work the overtime, the next most senior employee on the "voluntary overtime list" shall be offered the overtime, and so on, until the overtime is assigned.

To ensure that planned overtime is available for as many employees as possible on the "voluntary overtime list," once an employee has worked fifteen (15) or sixteen (16) physical hours of planned overtime in a calendar month, that person will not be offered the right of first refusal for further planned overtime opportunities in that month and shall be bypassed. The maximum amount shall be the equivalent of two days, which depends upon whether the employee is on a 37.5 or 40 hour work week schedule. The bypassed employee shall be eligible to sign the "voluntary overtime list" the following calendar month.

Nothing in this proposal shall require a change to the way cabinets or agencies assign mandatory overtime or unplanned overtime, which is defined as the type of overtime that must be worked by a specific individual, or overtime work that arises due to a situation in which advance notice is not possible. Additionally, nothing in this proposal shall impact the continuity of services provided, and the manner in which overtime is handled shall always be in the best interest of the Commonwealth.

Additional information will be provided to HR Administrators and state employees to assist in the implementation and understanding of this new initiative. This information will be distributed via e-mail and agencies shall provide this information to those employees without e-mail access at their work stations.

Please contact Dinah Bevington, Executive Director of the Personnel Cabinet's Office of Legal Services, at (502) 564-7430 with any questions.