

**Financial Management Circular:** #2019-1

**Effective Date:** December 29, 2019

**General Subject:** Job Classifications Normally Eligible for Premium Overtime Compensation

**Authority:** IC 4-15-2.2  
31IAC 5-7  
Fair Labor Standards Act  
Title 29 Code of Federal Regulations

**Application:** This circular applies to employees in the PAT, COMOT, LTC, SAMPAT, SAMLTC, SAMCOMOT and POLE job categories

Employees in the following job categories or classifications are **ELIGIBLE** for premium overtime compensation, except as otherwise expressly provided herein:

- Professional-Administrative-Technological (PAT), skill levels 3 through 6
- Clerical-Office Machine Operators-Technician (COMOT), skill levels 1 through 6
- Labor-Trades-Crafts (LTC), skill levels 1 through 5
- Supervisory and Managerial - SAMPAT, skill levels 6 through 8
- Supervisory and Managerial - SAMCOMOT, skill levels 1 through 8
- Supervisory and Managerial - SAMLTC, skill levels 4 through 7
- Protective Occupations, law enforcement (POLE), skill levels 1 through 4
- Nurse classifications - Charge Nurse 3, Charge Nurse Supervisor 5, Dialysis Nurse 3, Nurse 4, Nurse Supervisor 5 and Nurse Supervisor 6
- Family Case Manager 2 and Human Services Consultant 2
- Communications Supervisor 4

Employees in the following PAT 4 level classifications will continue to remain **EXEMPT** from premium overtime compensation.

Appl System Analyst/Prog Assoc 1BC4	Naturalist 4 1LI4
Property Asst Mgr 4-2TW4	Systems Administrator Assoc 1BM4

Employees in the following PAT 3 level classifications will continue to remain **EXEMPT** from premium overtime compensation.

Application Developer Int 1BA3	Audiologist 2FK3
Behaviorial Clinician 3 2AA3	Biologist 3 1LC3
Building Superintendent 3 2WC3	Business Systems Cnslt Assoc 1BD3
Chaplain 2JA3	Civil Engineer 3 1DG3
Clinical Nurse Specialist 1QL3	Construction Engineer 3 1DZ3
Construction Project Mgr 1DL3	Correctional Casework Mgr 3 2DB3
Correctional Training Officer 3 2HF3	Data Warehousing Programmer 1BE3
Database Analyst Assoc 1BF3	Enviornmental Engineer 3 1DO3
Financial Examiner 3 2RD3	Forester 3 1LE3
Highway Engineer 3 1DC3	Hydraulic Engineer 3 1DD3
Jr Security Engineer 1BW3	LAN Administrator Assoc 1BJ3
Naturalist 3 1LI3	Nurse Consultant 1QO3
Occupational Therapist 3 2FH3	Operations Analyst 3

Orientation/Mobility Instructor 3 2HK3  
Production & Inventory Supv 2TD3  
Public Health Nurse Surveyor 1TC3  
Speech Pathologist 2FG3  
Unified Comm Analyst - Assoc 1BV3

Physical Therapist 3 2FF3  
Property Assistant Manager 3 2TW3  
Recreation Coordinator 3 2FD3  
Surveyor 3 1DS3

Employees in the following SAMPAT 6 level classifications will continue to remain **EXEMPT** from premium overtime compensation.

Accountant Supv 6 7RA6  
Telecommunications Oper Supv 6 7YG6

Meat Inspector Supv 6 6BF6

**Premium Overtime Information specific to Law Enforcement & Protective Occupations Classifications**

Employees in the following POLE classifications are to be treated as **ELIGIBLE** for premium overtime compensation.

Arson Investigator 5SA0  
Asst Chief Arson Investigator 5SB0

Special Attendant Supervisor 5MB0  
Special Attendant 5MAT  
Special Attendant Trainee 5MAT

Correctional Officer 5LA2  
Correctional Sergeant 5LB0

Airfield Security Officer 5CD0  
Airfield Security Sergeant 5CE0  
Airfield Security Chief 5CF0

Airfield Deputy 1 5CH0  
Airfield Deputy2 5CI0  
Airfield Deputy 3 5CJ0

The following provisions apply uniquely to specified law enforcement and fire protection personnel:

The provisions of 31 IAC 5-7-8 are being elected for Gaming Enforcement Agent 5FH0, Gaming Enforcement Investigator 5FF0, Gaming Enforcement Supervisor 5FB0, Gaming Asst. Enforcement Supervisor 5FL0, Gaming Control Officer 5FJ0, Gaming Control Supervisor 5FK0, Special Agent 5NA0, Field Agent 5NC0, and Special Agent Coordinator 5NB0. The same overtime policies and leave accrual practices apply to these classifications as apply to overtime eligible law enforcement officers employed as State Police, Conservation Officers and Excise Police. Gaming Enforcement Agent 5FH0, Gaming Enforcement Investigator 5FF0, Gaming Enforcement Supervisor 5FB0, Gaming Asst. Enforcement Supervisor 5FL0, Gaming Control Officer 5FJ0, Gaming Control Supervisor 5FK0, Special Agent 5NA0, Field Agent 5NC0, and Special Agent Coordinator 5NB0 will have a normal work period of 170 hours per 28-day cycle. Additional straight time pay will accrue for compensable time in excess of the 170th hour and premium compensation (time and a half) will accrue for hours worked in excess of 171, in a twenty-eight day period. Gaming Enforcement Agent 5FH0, Gaming Enforcement Investigator 5FF0, Gaming Enforcement Supervisor 5FB0, Gaming Asst. Enforcement Supervisor 5FL0, Gaming Control Officer 5FJ0, Gaming Control Supervisor 5FK0 Special Agent 5NA0, Field Agent 5NC0, Special Agent Coordinator 5NB0, Conservation Officers and Excise Police will accrue leave at a rate of 8.5 hours, as is done for similarly situated employees under 31 IAC 5-8-2(i), 31 IAC 5-8-3(e) and 31 IAC 5-8-4(g).

The provisions of 31 IAC 5-7-8 are not being elected for Gaming Financial/Background Investigator 5FA0 and Gaming Administrator 5FG0. Scheduling, overtime policies and leave accrual practices for Gaming Financial/Background Investigator 5FA0 and Gaming Administrator 5FG0 are the same as those applicable to overtime eligible employees that are not law enforcement officers. Additional straight time pay will accrue for compensable time in excess of 37.5 hours per week and premium compensation (time and a half) will accrue for hours worked in excess of 40 hours per week. Gaming Financial/Background Investigator 5FA0 and Gaming Administrator 5FG0 will accrue leave at a rate of 7.5 hours, as is done for similarly situated employees under 31 IAC 5-8-2 (a) & (c) , 31 IAC 5-8-3(b) and 31 IAC 5-8-4(b) & (c).

The regular work schedule for the Airfield Firefighter job family is 106 hours in the biweekly pay period. Employees classified as Airfield Firefighter 5CA0, Airfield Firefighter Trainer 5CB0, Airfield Firefighter Shift Leader 5CC0, and Airfield Firefighter Chief 5CG0 shall be eligible for overtime compensation in accordance with the provisions of 29 USC 207(K) and 29 CFR Part 553 subpart C. Pursuant to 29 CFR 553.230, a work period of 14 days is adopted for the maximum hour standard contained therein. Overtime shall accrue for each hour worked or engaged to wait in excess of 106 hours in each 14 day work period. Airfield Firefighters may accrue a balance of no more than 480 hours of compensatory time off. The State Personnel Department standardized policy and procedure on Hours of Work & Overtime is inapplicable to Airfield Firefighter classifications.

In recognition of the fact that Airfield Firefighters have a unique schedule, the references to the number of hours in the rules governing accrued vacation, sick and personal leave shall be converted for Airfield Firefighters:

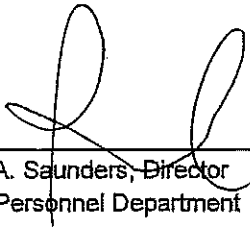
<u>Hours Stated in 31 IAC 5-8</u>	<u>Hours Converted for Airfield Firefighters</u>
3.75	5.25
7.50	10.50
22.50	31.75
37.50	53.00
60.00	84.75
97.50	137.75
225.00	318.00

If an employee transfers out of the Airfield Firefighter job family, the employee's leave balances will be adjusted proportionately to reflect the change in the number of hours of the standard schedule.

Airfield Firefighters may be entitled to up to 112.5 hours of military leave with pay annually, as that equals the amount of paid military leave available to all state employees under IC 10-16-7-5, and 31 IAC 5-8-6(d), notwithstanding any other interpretation of "days" in the statute, rules, or State Personnel policy and procedures.

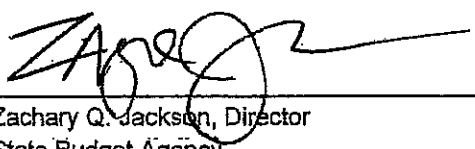
The effect of authorizing employees in the specified job categories or classifications to receive premium overtime compensation is to treat them as if they were subject to the Fair Labor Standards Act. To the extent there exist any conflicts between this Financial Management Circular and 29 USC 207, issues will be viewed as matters of federal preemption such that conflicts will be resolved consistent with the relevant provisions of the Fair Labor Standards Act and Title 29 of the Code of Federal Regulations.

This FMC rescinds #2018-2



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