

Financial Management Circular: #2012- 1

Effective Date: October 1, 2012

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

Authority: IC 4-15-2.2
31 IAC 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 and POLE job categories.

Employees in the following job categories or classifications are eligible for premium overtime compensation:

- Professional-Administrative-Technological (PAT), skill levels 5 & 6
- Clerical-Office Machine Operators-Technician (COMOT), skill levels 1 through 6
- Labor-Trades-Crafts (LTC), skill levels 1 through 5
- Supervisory and Managerial – COMOT, skill levels 3 through 8
- Supervisory and Managerial – LTC, skill levels 4 through 7
- Protective Occupations, law enforcement (POLE), skill levels 2 through 4
- Nurse classifications – Charge Nurse 3, Charge Nurse Supervisor 5, Nurse 4, Nurse Supervisor 5, and Nurse Supervisor 6

Employees in the following PAT 4 level classifications are to be treated as eligible for premium overtime compensation:

Accountant 2RA4	Correctional Caseworker 2DB4
Behavioral Clinician 2AA4	Correctional Coordinator 2DC4
Biologist 1LC4	Correctional Release Assistant 2DJ4
Boiler Pressure Vessel Inspector 2WI4	Correctional Training Officer 2HF4
Business Administrator 2TC4	Criminal Intelligence Analyst 1VF4
Cadre Team Leader 2HM4	Disability Claims Adjudicator 2WP4
Cadet Instructor 2HN4	Engineer Technologist 1DP4
Cadet Counselor 2HO4	Engineering Assistant 1DB4
Cadet Recruiter 2HP4	Environmental Scientist 1LS4
Child Labor Inspector 1GL4	Environmental Engineer 1DO4
Code Official 1GA4	Field Auditor 2RC4
Commodity Examiner 2TO4	Field Examiner 2RE4
Construction Engineer 1DZ4	Financial Examiner 2RD4

Forensic Scientist 1IF4
Human Resources Associate 2NA4
Hydraulic Engineer 1DD4
Industrial Hygienist 1NA4
Information Specialist 2LA4
Internal Affairs Officer 2EB4
IOSHA Inspector 1GH4
Interpreter Deaf 2CB4
Landscape Architect 1FB4
Librarian 2KA4
Medical Technologist 1QH4
Microbiologist 1LB4
Museum Specialist 2KC4
Program Specialist 2RS4

Highway Engineer 1DC4
Purchasing Administrator 2TA4
Records Analyst 2KD4
Recreation Leader 2FD4
Rehabilitation Therapist 2FA4
Social Services Specialist 2AH4
Substance Abuse Counselor 2AN4
Surveyor 1DS4
Tax Analyst 2RW4
Telecommunications Specialist 2YG4
Telecommunications Tech 2YF4
Training Officer 2HD4
Veterans' Representative 2NP4
Youth Services Instructor 2DH4

Employees in the following PAT 3 level classifications are to be treated as eligible for premium overtime compensation:

Audit Examiner 2RB3
Building/Fire Code Specialist 1GB3
Cadet Shift Supervisor 2HM3
Cadet Lead Counselor 2HO3
Cadet Lead Instructor 2HN3
Chemist 1IB3
Chief Mine Inspector 1GG3
Civil Rights Specialist 2CD3
Community Employment Specialist 2NC3
Construction Technologist 1DP3
Consumer Specialist 2RO3
Correctional Classification Specialist 2DD3
Dairy Farm Specialist 1NN3
Disability Claims Adjudicator 2WP3
EEOC Compliance Coordinator 2NR3
Emergency Prep Coordinator 2WE3
Engineering Assistant 1DB3
Environmental Scientist 1LS3
Family Case Coordinator 2AQ3
Family Case Manager Trainee 2AP3
Field Examiner 2RE3
Field Auditor 2RC3
Financial Examiner 2RD3
Fluoridation Consultant 1LK3
Food Scientist 1NE3
Forensic Scientist 1IF3
General Sanitarian 1NF3
Grant Coordinator 2TF3
Human Services Consultant 2AK3
Industrial Hygienist 1NA3

Internal Affairs Officer 2EB3
IOSHA Inspector 1GH3
Junior Insurance Examiner 2RN3
Labor Market Analyst 1CA3
LAN Support Technician 1BS3
Law Enforcement Training Specialist 2HA3
Legal Analyst 1VA3
Management Analyst 2TV3
Medical Surveyor 1TB3
Micro-Biologist 1LB3
Mobile X-Ray Surveyor 1TG3
Network Engineer Associate 1BK3
Network Technician 1BT3
Oil/Gas Inspector 1KA3
Parole Officer 2DA3
Pharmacist 1LA3
Program Specialist 2RS3
Protection & Advocacy Coordinator 2CC3
Public Health Investigator 1TA3
Purchasing Administrator 2TA3
Records Analyst 2KD3
Security/Telecommunications Systems Director 2YG3
Senior Code Review Official 1GA3
State Eligibility Consultant 2AG3
Statistician 1CB3
Water Planner 1DF3
Welfare Consultant 2AF3
Youth Services Instructor 2DH3

Employees in the following PAT 2 level classifications are to be treated as eligible for premium overtime compensation:

Family Case Manager 2AP2
Human Services Consultant 2AK2

Employees in the following POLE classifications are to be treated as eligible for premium overtime compensation:

Arson Investigator 5SA0

Special Attendant 5MA2
Special Attendant Supervisor 5MB0

Correctional Officer Trainee
Correctional Officer
Correctional Sergeant

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

The effect of the foregoing is to authorize employees in these classifications to receive premium overtime compensation as if they were subject to the Fair Labor Standards Act.

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 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 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, 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 Overtime Assignments is inapplicable to Airfield Firefighter classifications.

In recognition of the fact that Airfield Firefighters have a unique schedule the references to the numbers 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
60.0	84.75
97.50	137.75
225.0	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), not withstanding any other interpretation of "days" in the statute, rules, or State Personnel policy and procedures.

Consistent with the State Personnel Department's standardized policy on holidays, compensation for holidays equals 1/10th of the employee's base biweekly salary, up to a maximum of 7.5 hours (if compensatory time is chosen).

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 FMC 2008-2, FMC #2010-2 and FMC #2011-2.



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