



# INTERNAL MANAGEMENT POLICY & PROCEDURE

**Applicability:**  Adult Operation Only  JUVENILE Operations Only  DEPARTMENT-WIDE

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**HUMAN RESOURCES: Employee Work Schedules and Compensation**

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Approved By:  , Secretary Next Scheduled Review: 05/2026

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## POLICY STATEMENT

Employee work schedules shall be established fairly and consistently to ensure achievement of the Department's mission and goals and that operational needs are met.

Employees covered by an adopted Memorandum of Agreement (MOA) shall follow the provision set forth therein whenever there is a conflict between this policy and the MOA.

## DEFINITIONS

Able to Respond: Capable of reporting for duty within established timeframes and of performing the duties in compliance with all applicable policies, post orders and/or work rules.

Actual Hours Worked: Actual hours on the job performing assigned duties, including any time spent representing the Department, performing duties in support of the Department, or attending conferences, meetings, etc., when encouraged, authorized or required by the Department.

Appointing Authority: The person designated pursuant to IMPP 02-109D for each respective division or facility of the department.

Call-Back Status: When an employee is called in to work on a regular day off, or after a regular work schedule.

Compensatory Time: Time off credited to an eligible employee, in lieu of monetary payment for overtime worked pursuant to K.A.R. 1-5-24.

Emergency Call-Back: A sudden, generally unexpected occurrence or set of circumstances requiring an off-duty employee to report to a work site to handle a situation demanding immediate action. For call-back purposes the following constitute emergencies for maintenance, trades and/or engineering personnel: flood, tornado or other destructive acts of nature, fire, electrical outage or other situations beyond routine maintenance problems, that the appointing authority or designated duty officer has determined cannot be deferred until the next business day or handled by an offender worker. For uniformed, unit team and support personnel, an emergency includes the conditions listed for maintenance, trades, and/or engineering personnel as well as a disturbance or riot, escape, fire, offender work stoppage or other severe public safety issue excluding routine staffing shortage, medical transport or unexpected or unscheduled escorting of offenders.

Exempt Position: Positions within State service that do not meet the criteria for earning overtime compensation under the Fair Labor Standards Act of 1938, as amended.

Non-Exempt Position: Positions within State service, which meet the criteria for earning overtime compensation

under the Fair Labor Standards Act of 1938, as amended.

Overtime: Work that is performed by an employee in a non-exempt position at the rate of time and a half and exceeds 40 actual hours worked in any given workweek. For certain designated positions “overtime” means work performed by an employee in a non-exempt position at the rate of time and a half and exceeds 84 actual hours worked in any given pay period as established by the State of Kansas for payroll purposes. Time not worked, but in other pay status, shall not be counted as hours worked.

Paid Leave Hours: Hours which are not “actual hours worked” but during which the employee is in paid leave status.

Regular Days Off: The two (2) or more days out of seven (7) which serve as the employee's days off in conjunction with a 40-hour workweek. These days are not always Saturday and Sunday, but instead may be any two (2) or more days out of the workweek, depending upon the employee's regular workdays. For employees who work within an established 84-hour work schedule, regular days off may vary.

Stand-By Compensation: Extra compensation received by eligible employees required to be on stand-by status at a rate of one dollar (\$1.00) per hour for level one and the employee's regular rate of pay for level two.

Stand-By Status: A period-of-time outside an employee's regularly scheduled work hours during which the employee is required, at facility direction, to remain available to the agency within a specified response time. Level-one stand-by status requires the employee to be able to report to work within one (1) hour. Level-two stand-by status requires the employee to be available for immediate response.

Work Schedules: An employee's assigned work hours and days of the week.

Workweek: 12:01 a.m. Sunday to midnight the following Saturday.

## **PROCEDURES**

### **I. Established Work Schedule**

- A. The standard workweek for each full-time employee shall be 40 hours during a given seven (7) day workweek.
  - 1. If the employee's work schedule is other than eight (8) hours a day, approval and notification shall be given in accordance with IMPP 02-117D.
  - 2. Each employee shall work on all regularly scheduled days, unless leave is granted for one of the reasons specified in IMPP 02-114D.
- B. Unless otherwise specified, Saturday and Sunday shall generally be the regular days off for non-uniformed staff.
  - 1. The appointing authority shall have the authority to establish the regular days off for any non-uniform position on days other than Saturday and Sunday if necessary for the operation and management of the job site.
  - 2. The appointing authority shall have the authority to require non-uniformed staff to work Saturday and Sunday as part of regular workdays.
- C. The regular days off for uniform staff shall be established by the Chief of Security and/or Rostering Officer of each facility, in accordance with IMPP 12-137D.
- D. Actual hours worked exceeding 40 hours in any workweek by an employee in a non-exempt position must receive prior approval by a supervisor or the appointing authority. For certain designated positions, actual hours worked exceeding 84 hours in a pay period as established by the State of Kansas for payroll purposes must have prior approval by a supervisor or the appointing authority.
  - 1. Any employee who fails to obtain the required approval prior to working overtime shall be subject to disciplinary action.

- E. Each employee shall be punctual when reporting to work and shall work on all regularly scheduled days unless leave is granted for one of the reasons specified in IMPP 02-114D. Regular and predictable attendance is an essential function and requirement of all employees.
  - 1. Each supervisor or other designated official shall be responsible for daily documenting hours of work, use of leave, call-ins, no shows, etc. for his/her area of responsibility.
- F. All employees shall submit time and leave documents that accurately report his/her hours and leave hours each pay period.
  - 1. Employees are responsible for completing electronic and/or paper timesheets and submitting the timesheets in accordance with established schedules.
    - a. Employees who fail to submit timesheets in a timely manner are subject to disciplinary action up to and including dismissal.
    - b. Consistent deviations from work schedules will be reviewed with the employee's supervisor.
  - 2. Time and Leave documents shall be reviewed and approved by the supervisor prior to processing.
    - a. Supervisors are responsible for reviewing the accuracy of reported time to include regular hours worked, leave time, overtime and compensatory time;
    - b. Time and leave documents that fail to meet all established requirements shall be returned to the supervisor or other designated official to correct any deficiencies.

## **II. Overtime Compensation**

- A, Employees in non-exempt positions who are assigned to a regular workweek schedule and work more than 40 actual hours in any workweek shall be paid overtime or awarded compensatory leave credits in accordance with K.A.R. 1-5-24.
  - 1. Employees in non-exempt positions who are assigned to a bi-weekly schedule and work more than 84 actual hours in any pay period as established by the State of Kansas for payroll purposes shall be paid overtime or awarded compensatory leave credits.
- B. If actual hours worked by an eligible employee in a non-exempt position exceed or will exceed those specified in Section II.A. in any given workweek/pay period the employee shall be compensated for the excess actual hours, which have been or will be worked by:
  - 1. Employees in non-exempt positions who are assigned to a regular workweek schedule may be paid or given compensatory time during a later workweek at the rate of one and one half (1½) hours off for one (1) hour worked;
    - a. Unless otherwise prohibited, employees in non-exempt positions who are assigned to a regular workweek schedule may be given time off during the same workweek at the rate of one (1) hour worked.
  - 2. Employees in non-exempt positions who are assigned to a bi-weekly schedule may be paid or given compensatory time during a later pay period as established by the State of Kansas for payroll purposes at the rate of one and one half (1½) hours off for one (1) hour worked.
    - a. Employees in non-exempt positions who are assigned to a bi-weekly schedule may be given time off during the same pay period as established by the State of Kansas for payroll purposes at the rate of one (1) hour off for one (1) hour worked.
- C. If an eligible employee's actual hours worked in any given workweek/pay period as established by

the State of Kansas for payroll purposes are at or less than the rate specified in Section II.A. for his or her position, but the employee's total hours, including actual hours worked and paid leave hours, exceed the rate specified in Section II. A. in any given workweek/pay period the employee shall be compensated for the excess time by:

1. Being given an equivalent time off;
  2. Being paid at the annualized hourly rate of pay; or,
  3. Reinstating or adjusting his or her paid leave hours provided the employee agrees and the leave has not already been deducted in the payroll system.
- D. The employee and his or her supervisor shall agree on how the additional hours shall be compensated prior to submission of the bi-weekly time sheets to the timekeeper.

### **III. Compensatory Time**

- A. Unless otherwise stated in an adopted memorandum of agreement, if an eligible employee's actual hours worked in a given workweek/pay period as established by the State of Kansas for payroll purposes are more than the rate specified in Section II.A. for his or her position, the employee may be compensated by the granting of compensatory time off during a later workweek/pay period, in lieu of payment for overtime worked at the rate of one and one half hours for each hour of overtime worked, or as one hour for each hour worked, if given in the same workweek/pay period.
- B. Compensatory time: Accrual and use
1. Compensatory time shall not accrue until after an employee has worked the actual number of hours specified in Section II.A. for his or her position in the workweek/pay period as established by the State of Kansas for payroll purposes
  2. Unless stated otherwise in an adopted Memorandum of Agreement, accrual of compensatory time credit shall be limited to 40 hours. Any accrual over 40 hours shall be compensated for monetarily.
  3. When an employee, who is eligible for overtime, works additional time that could result in overtime hours, the employee may be given equivalent time off, on an hour for hour basis, in the workweek in which the additional time is worked.
  4. Compensatory time off shall not be granted if such leave will cause the employee to be in pay status more than the number of hours specified in Section II.A. for his or her position.
- C. Waiver of Accrual Limits
1. The Secretary of Corrections may waive:
    - a. The 40-hour limitation on accrual; or,
    - b. The requirement that all liability over 40 hours be liquidated monetarily.
  2. Waiver of accrual limits shall be governed by K.A.R. 1-5-24.

### **IV. Shift Differential**

- A. A shift differential shall be paid to classified employees in positions eligible to receive overtime pursuant to K.A.R. 1-5-24 for hours worked on regularly established shifts other than the normal day shift or shifts. The shift differential shall not be paid to an employee for any time the employee is on any type of leave or holiday.
1. The designated day shift shall fall within the hours of 6:00 A.M. and 6:00 P.M.

- B. The amount of shift differential shall be in accordance with K.A.R. 1-5-28(c).
1. When an employee's regularly scheduled shift is eligible for shift differential, in whole or in part, he or she shall receive shift differential for all regular hours worked during that shift.
  2. An employee who is assigned on a short term or temporary basis to cover a shift other than his or her normally assigned shift will receive shift differential pay as follows:
    - a. When an employee's normally assigned shift falls between the hours of 6:00 A.M. and 6:00 P.M. and is required to work a partial shift immediately before or immediately after his or her normally assigned shift, he or she shall receive shift differential only for those hours worked between 6:00 P.M. and 6:00 A.M.
      - (1) For example, if an employee normally works a 7:00 A.M. to 3:00 P.M. shift is required to stay over to cover the next shift until 7:00 P.M., he or she would receive normal pay from 3:00 P.M. until 6:00 P.M. and shift differential from 6:00 P.M. until 7:00 P.M.
    - b. When an employee is required to work an entire established shift for which shift differential is due in total or in part, he or she shall receive the differential for that entire shift.
      - (1) For example, if an employee normally works a 7:00 A.M. to 3:00 P.M. shift and is required to stay over to cover the entire eight hours of the next shift, he or she would receive shift differential for the full eight (8) hours of that shift.

**V. Stand-by Status**

- A. Notification of Stand-by Status
1. The appointing authority may authorize the use of stand-by status for any work area, unit, facility, or office under his or her authority.
  2. Each employee placed on stand-by status shall, when possible, be notified in writing, in advance of the date, of the beginning and ending time and the level of stand-by required.
    - a. In those instances when advance notification in writing is not possible, notification may be given verbally (e.g., in person or by telephone) but shall be followed up in writing as soon as possible.
- B. Levels of Stand-by Status
1. Level one: An employee shall be able to report to his or her facility or office within one (1) hour of being contacted by the facility or within a time period greater than one (1) hour as specified by the appointing authority. No other restrictions shall be placed on the employee.
    - a. Employees who are required to carry a cellular telephone, paging device or radio shall not be on stand-by status.
  2. Level two: An employee is required by the facility or office to be available at a specified fixed-location telephone number for immediate response to the facility or office or an employee is restricted to the facility or office premises.
- C. Stand-by Compensation
1. A non-exempt employee on level one stand-by status shall be compensated at the rate of one dollar (\$1) an hour for each hour the employee is required to be on stand-by status or an amount designated by an adopted MOA.

2. An employee in a non-exempt position who is on level two stand-by status shall be compensated at the regular rate of pay.
3. Time spent on stand-by status by an employee is not considered "hours worked" for overtime purposes.
4. An employee on stand-by status who does not respond within the required response time shall lose stand-by compensation for that period and may be subject to disciplinary action.

#### **VI. Call-Back Status**

- A. The appointing authority may authorize the use of call-back status, in accordance with K.A.R. 1-5-25, for any work area, unit, facility, or office under his or her authority.
- B. Employees who are eligible to receive overtime pursuant to K.A.R. 1-5-24 and who are called in to work on a regular day off or are called back to work after a regular work schedule shall be paid or awarded compensatory time at the appropriate rate specified in Sections II. and III.
- C. Except as noted below, employees on call-back status shall be paid for a minimum of two (2) hours.
  1. The minimum of two (2) hours shall not apply if the employee was on stand-by when called in or called back.
  2. The minimum of two (2) hours shall not apply if the employee was called in or called back during the two (2) hour period immediately prior to the beginning of the employee's next regularly scheduled work shift.
- D. Only the actual hours worked and any excess travel time over the employee's normal home to work travel time shall be credited in determining eligibility for overtime compensation.
- E. Employees in non-exempt positions shall not be called back to work on a holiday or during the workweek in which a holiday occurs when response to such call-back status constitutes an extra work day within that workweek unless the appointing authority or designee has approved the implementation of an Emergency call-back or in response to minimum staffing requirements,

#### **VII. Agency Travel Compensation**

- A. Employees traveling in accordance with applicable state and federal law, specifically, the Fair Labor Standards Act (FLSA), shall be compensated in accordance with IMPP 04-118D.

#### **VIII. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.**

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

**REFERENCES**

Fair Labor Standards Act of 1938, as amended  
Family Medical Leave Act of 1993, as amended  
K.A.R. 1-5-24, 1-5-25, 1-5-28,  
IMPP 02-109D, 02-114D, 04-118D, 12-137D

**ATTACHMENTS**

None.