

KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 02-113D	PAGE NUMBER 1 of 8
		SUBJECT: HUMAN RESOURCES: Employee Work Schedules and Compensation	
Approved By:  Secretary of Corrections		Original Date Issued: 05-27-15	Replaces Version Issued: N/A
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APPLICABILITY:	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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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. Unless otherwise specified, each full-time employee of the Department shall work five (5), eight (8) hour days of a seven (7) day week. (ACO 2-1C-01; ACI 3-4048; APPFS 3-3047) The Secretary may, with the approval of the Secretary of Administration and notification to the Division of Personnel Services, designate a deviation from the standard workday for particular permanent classified positions. Eligible employees may be compensated for time in service to the Department for unscheduled deviations from their normal work schedule.

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: As defined in IMPP 02-109D, any person or group of persons empowered by the constitution, by statute, or by lawfully delegated authority to make appointments to positions in the State service pursuant to K.A.R. 1-2-9. Anytime this term is used in this IMPP, it can be read as referring to the "appointing authority or designee."

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 maintenance, trades and/or engineering personnel the following constitute emergencies for the purpose of call-back: 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, which 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 time and a half rate and which exceeds 40 hours actually worked in any given workweek. For certain designated positions, "overtime" means work that is performed by an employee in a non-exempt position at the time and a half rate and which exceeds 84 hours actually 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 (ACO 2-1C-01; ACI 3-4048; APPFS 3-3047)

- A. Unless otherwise specified, the regular days off for non-uniformed staff shall be Saturday and Sunday.
 - 1. The appointing authority shall have the authority to establish the regular days off of 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.
- B. The regular days off of uniform staff shall be established by the Chief of Security and/or Rostering Officer of each facility, in accordance with IMPP 12-137D.
- C. Each employee shall work on all regularly scheduled days, unless leave is granted for one of the reasons specified in IMPP 02-114D.
- D. The standard workday for all employees shall be eight (8) hours, unless otherwise designated approved by the Director of DOC Human Resources.
- E. Actual hours worked in excess of 40 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 in excess of 84 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, up to and including dismissal.
- F. 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.
- G. 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 work week schedule and who actually work more than forty (40) hours in any workweek shall be paid overtime or awarded compensatory leave credits in accordance with K.A.R. 1-5-24. Employees in non-exempt positions who are assigned to a bi-weekly schedule and who actually work more than eighty-four (84) 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 a 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 a given work week/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 a 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 work week/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 actually worked the 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 forty (40) hours. Any accrual over forty 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. An employee whose regularly scheduled shift is eligible for shift differential, in whole or in part, 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 whose normally assigned shift falls between the hours of 6:00 A.M. and 6:00 P.M. 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 who normally works a 7:00 A.M. to 3:00 P.M. shift 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 shall 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 (\$1) dollar 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, up to and including dismissal.

VI. Call-Back Status

- A. The appointing authority shall 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 hours actually worked and any travel time in excess of 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 who travel according to applicable state and federal law, specifically, the Fair Labor Standards Act (FLSA), shall be compensated in accordance with IMPP 04-118(D).

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.S.A. 2014 Supp. 21-5512, 21-5914
K.A.R. 1-2-9, 1-5-24, 1-5-25, 1-5-26, 1-5-28, 1-9-1, 1-9-2, 1-9-3, 44-2-103
IMPP 02-109D, 02-114D, 02-118, 02-120D, 12-137D
ACO 2-1C-01
ACI 3-4048
APPFS 3-3047

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Kansas Department of Corrections Affirmations HR form	1 page

Employee: _____

**KANSAS DEPARTMENT OF CORRECTIONS
Employee Acknowledgements**

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I. Rules of Conduct

A, I acknowledge that I have read IMPP 02-118, Employee Rules of Conduct and Undue Familiarity. I understand that, with the exceptions noted in the following paragraphs, a violation of any rule of conduct shall be grounds for disciplinary action, up to and including dismissal. I have had the opportunity to ask questions regarding any portion of the IMPP.

B, I acknowledge that I have read and understand K.S.A. 2014 Supp. 21-5914 and K.A.R. 44-2-103, Trafficking in Contraband. I understand that a violation of the Statute and/or Regulation shall be grounds for discipline, up to and including dismissal and may also result in prosecution for a severity level 5 non-person felony for state employees or a level 6 non-person felony for persons providing contracted services to offenders under the supervision of the Secretary of Corrections.

C, I acknowledge that I have read and understand K.S.A. 2014 Supp. 21-5512 regarding Unlawful Sexual Relations. I understand that as an employee of the Department of Corrections as defined in IMPP 02-118, violation of the statute shall be grounds for dismissal and may also result in prosecution for a severity level 10 felony offense.

Employee Signature

Date

Signature of Human Resources Witness

Date

II. Awarding of Compensatory Time

I understand that, in accordance with IMPP 02-113D, the Kansas Department of Corrections, in lieu of payment for overtime, reserves the right to compensate hourly employees by granting compensatory time off at the rate of one and one half (1½) hours for each hour worked in excess of the limits set for my position by IMPP 02-113D. I have had the opportunity to discuss this with a Human Resources staff member.

Signature

Date

Signature of Human Resources Witness

Date

III. Rights and Responsibilities Under the Family Medical Leave Act of 1993

I, the undersigned, hereby state that I have been notified of my rights and responsibilities as an employee of the Kansas Department of Corrections under the Family and Medical Leave Act, by being provided with the following items, which I have read, and by being provided with the opportunity to ask any questions I may have regarding the FMLA.

1. YOUR RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT OF 1993
2. KDOC RIGHTS AND RESPONSIBILITIES UNDER THE FMLA
3. KDOC POLICY REGARDING FAMILY AND MEDICAL LEAVE

Employee Signature

Date

Employee's Position (Job Title)

Signature of Witness

Date