

## Policy and Procedure 8-3

# Human Resources Compensation Management (3.05 – 3.15)

**Issued By:** Robert W. Farrell, State Forester

**Effective Date:** January 1, 2019

**Codes/Mandates:** N/A

**References:** Department of Human Resource Management (DHRM) Policies:  
<http://www.dhrm.virginia.gov/hrpolicies>  
DHRM Employee Handbook: <http://www.dhrm.virginia.gov/docs/default-source/hr/manuals/employeehandbook.pdf?sfvrsn=4>  
Fair Labor Standards Act: <https://www.dol.gov/whd/flsa/>

**Forms:** Form 8.17 Pay Action Request

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## PURPOSE

To direct employees to the appropriate Department of Human Resource Management (DHRM) policies in regard to the topics covered. DHRM policies are applicable to all executive agency state employees. In addition, this policy and procedure will provide VDOF-specific applications of the DHRM policies.

## POLICY

The Virginia Department of Forestry is committed to observing and following all policies issued by the Virginia Department of Human Resource Management and Virginia Department of Forestry. All VDOF employees are responsible for following DHRM policies and further VDOF policy and procedure specified below. It is the regional forester/director's responsibility to ensure the provisions listed within this policy and procedure are being followed and that overtime leave accrual and balances are monitored.

## DEFINITIONS

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**“Agency”** and **“VDOF”** means the Virginia Department of Forestry.

**“Agency staff”** means all Virginia Department of Forestry classified, restricted and wage personnel, consultants, contract personnel and other non-employees, such as volunteers or interns.

**“Commonwealth”** means the Commonwealth of Virginia.

**“Compensatory Leave”** means paid time off for an eligible employee having worked additional hours in a workweek; having worked on an official office closing day, a holiday, or a scheduled day off; or when a holiday falls on an employee's scheduled day off.

**“DHRM”** means Department of Human Resource Management.

**“Exempt Employee”** means employees are not covered by the minimum wage and overtime requirements of the FLSA.

**“Fair Labor Standards Act (FLSA)”** establishes minimum wage, overtime pay, recordkeeping and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State and local governments.

**“Non-Exempt Employee”** means employees are covered by the minimum wage and overtime requirements of the FLSA.

**“Workplace”** means any state-owned or leased property including, but not limited to, buildings and other structures, parking lots, open spaces or any site regardless of ownership where agency staff performs official duties.

## PROCEDURES

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### Compensation

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VDOF will follow [DHRM Policy 3.05 – Compensation](#) to establish, maintain and administer a compensation plan for positions covered by this policy.

- ◆ All compensation actions shall be initiated by the supervisor completing a Form 8.17 Pay Action Request that considers the 13 pay factors. This form requires appropriate management signatures before being routed to the director of human resources and state forester for final approval.

### Extra Hours Worked

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#### Compensatory Leave

VDOF will follow [DHRM Policy 3.10 – Compensatory Leave](#) to provide eligible employees with paid leave as compensation for additional hours worked during specific times.

- ◆ This leave may be used in the same manner as annual leave. The employee may be required to take compensatory leave as soon as possible if it does not unduly disrupt the operation of the agency.
- ◆ Compensatory leave must be taken within one calendar year of date earned or it will lapse. Therefore, every attempt will be made to ensure the employee is able to take compensatory leave.
- ◆ Employees will be encouraged to take all compensatory leave balances prior to separation from VDOF. If time does not permit taking of compensatory leave balances prior to separation, the balances will be paid out at the employee's ending hourly rate.
- ◆ Travel time for supervisor-approved non-emergency situations listed in the FLSA Policy, which occur outside of an employee's normal work hours are eligible for compensatory leave accrual. Normal home-to-work travel to ones duty location does not qualify for compensatory leave accrual.
- ◆ Refer to chart in overtime leave section below for when compensatory leave may be earned.

## Overtime Leave

VDOF will follow [DHRM Policy 3.15 – Overtime Leave](#), which provides guidelines to agencies for awarding overtime leave in lieu of overtime compensation when appropriate.

- ◆ This leave may be used in the same manner as annual leave and may be required to be taken as soon as possible if it does not unduly disrupt the operation of the agency.
- ◆ Overtime leave does not lapse after one year.
- ◆ Each employee will be urged to take their overtime leave first unless they are at risk of losing some other type of leave.
- ◆ Employees, both exempt and non-exempt (covered by the overtime requirements of the FLSA), are required to obtain approval from their supervisor prior to working any additional hours in a non-emergency situation before the hours are worked.
  - Failure to obtain approval can be grounds for disciplinary action under [DHRM Policy 1.60, Standards of Conduct](#).
  - Overtime hours will not be approved solely for the benefit of employees.
- ◆ Employees are required to adjust their work schedules, with direction from their supervisors, to avoid accruing overtime leave for non-emergency work performed outside of regular work hours.
  - Supervisors must monitor and adjust work schedules to ensure employees do not have a large balance of overtime leave.
  - Employees with more than 100 hours of overtime leave must develop a plan in conjunction with their supervisor to immediately reduce the number of accrued hours.
  - Supervisors have the authority to require employees to maintain an overtime leave balance less than 100 hours and to ensure employees do not accrue more than 100 hours of overtime leave.
- ◆ If a non-exempt employee is required to work extra hours during a workweek, but does not actually work more than 40 hours due to leave or holiday time during the week, the agency will grant the employee hour-for-hour straight-time pay or compensatory leave for the extra hours.
- ◆ Employees will be encouraged to take all overtime leave balances prior to separation from VDOF. If time does not permit the taking of overtime leave balances prior to separation, the balance will be paid out at the employee's ending hourly rate.
- ◆ Travel time for supervisor-approved non-emergency situations listed in the FLSA Policy, which occur outside of an employee's normal work hours, are eligible for Overtime Leave accrual, excluding normal home-to-work commute time.

## On-Call Time

### *Stand-by/Restricted On-Call Time*

- ◆ An employee who is required to stay at a certain location to be able to respond to a call according to Policy and Procedure 4-3 Readiness and Mobilization Plan or other emergency situations is considered on stand-by or "restricted on-call." This time is counted as hours worked.
  - On-call time is compensable only when:
    - The on-call conditions are so restrictive or the calls so frequent that the employee cannot effectively use that time for personal purposes.
    - The employee is required to remain on his or her employer's premises or so close thereto that he or she cannot use the time effectively to engage in personal activities, such as cutting the grass, going to the movies, going to a ball game or engaging in other activities of his or her choosing.

### Unrestricted On-Call Time

- ◆ An employee who only has to leave word as to where he/she can be reached and is still able to respond according to Policy and Procedure 4-3 Readiness and Mobilization Plan, or other emergency situations, or an employee who can be reached by portable radio or phone is on “unrestricted on-call” and the time is unpaid.

### Compensatory versus Overtime Leave/Pay

Each employee’s status under the FLSA is stated in his/her Employee Work Profile.

#### Non-Exempt Employees

The basic provisions of the Fair Labor Standards Act (FLSA) require compensation to employees covered by the FLSA (non-exempt employees) at a rate of one-and-one-half times the employee’s regular hourly rate for hours actually worked over 40 within a work week. State agencies have the option to offer overtime leave rather than pay when appropriate and establish the limits of its use.

#### Exempt Employees

The Virginia Department of Forestry has chosen to offer compensation to employees not covered by the FLSA (exempt employees) in certain situations as required by their supervisors.

### Summary

Exempt and non-exempt employees’ compensation for overtime hours will depend on whether the reason is an emergency situation or a non-emergency situation, as indicated in the following table:

Employee Classification	Non-Emergency Situations	Emergency Situations
Non-Exempt Employees	<ul style="list-style-type: none"> <li>◆ Prior approval must be obtained from the immediate supervisor prior to working extra hours.</li> <li>◆ Employees are required to adjust their hours to avoid earning overtime leave whenever possible.</li> <li>◆ Overtime leave is granted for non-emergency situations at one-and-one-half hours for each hour actually worked over 40 within a workweek.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Prior approval is not required.</li> <li>◆ Overtime pay for each hour actually worked over 40 within a workweek due to emergency situations is compensated at one-and-one-half times the individual’s regular hourly rate.</li> </ul>
Exempt Employees	<ul style="list-style-type: none"> <li>◆ When required to work hours exceeding their schedule by their immediate supervisor, compensation in the form of compensatory leave may be granted at a rate of one hour for each hour actually worked over 40 within a workweek.</li> </ul>	<ul style="list-style-type: none"> <li>◆ Certain IFRIS codes used in emergency situations result in time and a half pay instead of leave for area forester positions and hour-for-hour pay for other exempt employees (not in area forester positions).</li> <li>◆ Overtime pay for each hour actually worked over 40 within a workweek due to emergency situations is compensated at one-and-one-half times the individual’s regular hourly rate.</li> <li>◆ Straight-time pay is granted at a rate of one hour for each hour</li> </ul>

		actually worked over 40 within a workweek for exempt employees not in area forester positions who perform active wildland firefighting duties in emergency situations.
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### ***Non-Emergency Situations***

Non-emergency situations include the following activities:

- ◆ Aerial spray
- ◆ Tree planting
- ◆ Forestry center activities
- ◆ Prescribed burning
- ◆ Fire investigation (only need pre-approval 24 hours after the fire is contained)
- ◆ Fire and other training
- ◆ Fire dispatch
- ◆ Presentations and/or participation at public meetings (i.e., Board of Supervisor, Planning Commission and SWCD meetings)
- ◆ Water quality law enforcement
- ◆ Honor Guard
- ◆ Approved activities by the state forester, deputy state forester, chief of administration, chief of operations or regional forester/director

### ***Emergency Situations***

Emergency situations include the following activities:

- ◆ Active firefighting
- ◆ Governor-declared state of emergency in which our expertise is requested and reimbursed through the Department of Emergency Management
- ◆ Other emergency as declared by the state forester

## **AUTHORITY**

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This policy and procedure is issued by the Virginia state forester.

## **INTERPRETATION**

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The director of human resources and deputy state forester are responsible for the interpretation of this policy and procedure.

## **APPROVAL**

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I certify that this policy and procedure is approved and ready for publication.

Hector Rivera

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Director of Human Resources Name (Print)

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Director of Human Resources Signature

Andres Alvarez

\_\_\_\_\_  
Chief of Administration Name (Print)

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Chief of Administration Signature

**Ed Zimmer**

Deputy State Forester Name (Print)

Deputy State Forester Signature