



Human Resource Services **POLICY RESOURCES**

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Applies to:	Marshall University
Title:	Seniority Basis for Overtime Selection
Number:	42
Effective Date:	08/01/06
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Definitions:

Department: A recognized office identified by a single Banner® system Budget Organization (ORG) number or a single Summary Level Budget Organization (SL) number.

Departmental Sub-Unit: The term “departmental sub-unit” refers to a unit within a department that consists of persons with similar skills who generally perform a uniform type of work requiring those particular skills (for example, the Carpentry Shop or the Electrical Shop within Physical Operations) and/or to a group of people with possibly differing skills who work in unison to support a particular location (for example, the group that supports the Biotechnology Science Center or the group that supports the Memorial Student Center).

Overtime Ownership: Overtime ownership refers to the situation whereby the department or departmental sub-unit on which is placed the work assignment requiring overtime work “owns” the episode(s) of overtime work for purposes of the supervisor assigning employees to perform the overtime work.

Policy:

It is the policy of Marshall University to distribute overtime work on a fair and equitable basis to classified non-exempt employees employed in a department or departmental sub-unit in situations where there are multiple employees employed in the department or departmental sub-unit with the skills necessary for the overtime assignment and more than one of such employees may have an interest in performing the overtime work.

The supervisor of the department or departmental sub-unit that owns the requirement for overtime work will allocate overtime in descending order of seniority as represented by the Seniority Date in the Banner HR® system to persons within the department or departmental sub-unit. Employees offered overtime work shall have right to refuse the overtime assignment (within the limitation stated at the end of this paragraph) in which case the offer of overtime goes to next most senior employee in the same department or departmental sub-unit. This process continues until an individual employed in the department or departmental sub-unit has been identified who will accept the overtime assignment. In the case that all workers (with the requisite skills for the overtime assignment) in the line of seniority in the department or departmental sub-unit refuse the overtime assignment, the non-exempt employee in the department or departmental sub-unit with the requisite skills for the overtime assignment and who has the least seniority as reflected by the Seniority Date will be required to perform the overtime work.

A requirement does not exist that overtime assignments requiring particular skills have to be offered to persons employed outside the department or departmental sub-unit owning the overtime work requirement but who may possess the skills required to perform the overtime work. The department or departmental sub-unit, as appropriate, is the set of persons who are to be considered for overtime assignments for work assignments requiring overtime that are owned by that department or departmental sub-unit. Overtime assignments are not skills-based but are rather department or departmental sub-unit

based. However, if a department or departmental sub-unit cannot secure from within its own ranks a person or persons to perform the required overtime work, the supervisor may at his/her discretion request to offer overtime work to a person or persons who are employed in other departments or departmental sub-units in a manner consistent with the provisions of this policy.

When the overtime allocation process goes through all eligible employees in the department or departmental sub-unit, it will start over again with the most senior employee in terms of the Seniority Date in the Banner HR[®] system.

The process for allocating overtime work will not recognize the length (and consequent wage or time value) of the overtime assignment but will rather treat each requirement for overtime work as an episode of overtime work for one or more employees in the order in which it is declared by or received by the department or departmental sub-unit. If, however, over the long term (at least six months) it appears that the amount of overtime work performed by employees is unequal among those who volunteered to perform overtime work, the management of the department or departmental sub-unit may consult with employees of the department or departmental sub-unit and with the approval of the eligible employees pass over employees who would otherwise be offered the overtime assignment on the basis of the Seniority Date and offer it to an employee (or employees) with less seniority who with the passage of time has accumulated less overtime than other more senior employees. Such practice if approved would continue only until a situation is reached where the long-term distribution of overtime work expressed as hours worked reaches a more even but not necessarily equal distribution. Then the process reverts back to a seniority basis.

In the event that a third-party department employs another department's employees on overtime and pays for the overtime work with its own funds, that department may stipulate the specific employee(s) they wish to perform the overtime assignment. In such cases the employing department will offer the services of that employee(s) to the paying department and the opportunity for more senior employee(s) to perform the work will be waived. However, the employee(s) who actually performs the work for the third-party paying department will be considered to have had an episode of overtime when the overtime assignment process would otherwise reach them for an assignment by the department or departmental sub-unit itself.

Questions on the application and interpretation of this policy and procedure should be directed to the chief human resources officer.

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