

LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

POLICY MANUAL

SECTION	Human Resources
POLICY	4340 – Overtime

Objective To ensure that overtime hours and related provisions are administered consistently, recorded, and compensated accurately.

Application Sections 1 through 4 of this policy apply to all employees of the Legislative Assembly appointed under section 39 of the *Constitution Act* (R.S.B.C. 1996, c. 66) who are in an overtime-eligible position.

Section 5 of this policy applies to all employees of the Legislative Assembly appointed under section 39 of the *Constitution Act* (R.S.B.C. 1996, c. 66).

Authority Legislative Assembly operational policies are approved by the Clerk of the Legislative Assembly, as per *Policy 1000 – Legislative Assembly Policy Framework*.

Key Definitions “call-out” means when an employee is called back to work outside of their normal working hours or when an employee is called into work while on standby;

“compensatory time off” or “CTO” means time off in lieu of pay;

“day of rest” means a day off that is scheduled into an employee’s shift pattern, not including vacation or other leave, during which the employee is not normally required to perform their job duties;

“regular schedule” means a work schedule in which an employee works Monday to Friday with regular days off on Saturday and Sunday;

“shift schedule” means a work schedule in which an employee works a standard shift for a number of days, followed by a number of days off (e.g., Legislative Assembly Protective Services employees work four 11.25-hour shifts scheduled as two day shifts and two night shifts, followed by four days off);

“supervisor” means the person to whom an employee directly reports;

“workday” means a period of 24 consecutive hours commencing with the starting time of any shift;

“workweek” means a recurring period of 7 consecutive days, Sunday to Saturday, for the purpose of scheduling work.

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- 1. General**
- .01 An employee who is required to work overtime will receive overtime compensation.
 - .02 Regular work schedules are established in accordance with *Policy 4030 – Hours of Work* and, where applicable, *Policy 4040 – Flexible Work Arrangements*.
 - .03 Overtime must be authorized in advance and be scheduled by the employee's supervisor, and it must be offered on a voluntary basis.
 - .04 An employee may decline to work overtime, except when required to do so in exceptional situations (i.e., a rare, unusual, and extraordinary circumstance which may result in serious harm to the Legislative Assembly or to persons on the Legislative Precinct).
 - .05 An employee working on a statutory or observed holiday may be eligible for holiday pay as provided by *Policy 4320 – Statutory and Observed Holidays*.
 - .06 An assured ride home may be provided to an employee when working unscheduled overtime, in accordance with *Policy 4355 – Sustainable Commuting*.
- 2. Overtime Application**
- .01 A full-time employee will receive overtime for hours worked in excess of:
 - a) regular scheduled daily hours;
 - b) daily hours, for those on a flexible work arrangement; or
 - c) the shift schedule.
 - .02 A part-time employee is paid overtime for working in excess of the normal workday or workweek as applicable to a full-time employee.
 - .03 For overtime work on the same day as a regular workday/shift (this applies to an employee working a regular schedule even if they do not work more than 35 hours a week), overtime is calculated at time and a half (x1.5) for the first 2 hours, and at double time (x2) after the first 2 hours.
 - .04 For overtime worked on a day of rest, all overtime hours are calculated at double time (x2).

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- .05 The weekly overtime rate (over 35 hours per week, which applies to an employee working a regular schedule even if they do not work more than 7 hours in a day) is calculated at time and a half (x1.5).
 - .06 An employee who works 7 days in a week will be paid double time for one of the days (with the least number of hours), even if they work less than 35 hours in total during that 7-day period.
 - .07 An employee must have 8 consecutive hours free from work each day and at least 32 consecutive hours free from work each week. If an employee is required to work during this period, they will be paid double time for all overtime hours worked.
 - .08 An employee required to travel for work outside of regular working hours will receive overtime for all such hours travelled.
 - .09 Overtime is accounted for in 15-minute increments (i.e., 10 minutes of overtime worked = 15 minutes recorded).
 - .10 In the overtime calculation, the time worked prior to, but adjoining, a shift will be deemed as time worked after a shift.
 - .11 Overtime is calculated on a daily basis, and is not cumulative.
- 3. Overtime Payment and Banking Options**
- .01 Overtime may be taken as pay at overtime rates, it may be banked, or it may be taken as compensatory time off (CTO) as requested by the employee and approved by the employee's supervisor.
 - .02 An auxiliary employee who does not accrue vacation is ineligible to bank overtime; the time must be paid out as it is earned.
 - .03 An unbroken CTO period that includes CTO time in December of one year and January of the next shall be considered CTO time for the year in which it commenced. A leave request in such circumstances must be submitted prior to December 31 of the year in which CTO begins.
 - .04 Banked overtime must be fully exhausted by the end of the calendar year in which it is earned. Banked overtime that remains at the end of the calendar year will be paid out at the current rate of pay, no later than the end of February the following calendar year (e.g., CTO earned in 2021 must be used by December 31, 2021, or otherwise be subject to payout by February 28, 2022).

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- .05 The requirement to exhaust banked overtime in accordance with section 3.04 does not absolve an employee from taking the minimum annual vacation entitlement outlined in *Policy 4315 – Vacation*.

- 4. Call-Out**
- .01 An employee who works on call-out will be paid for a minimum of 3 hours at the overtime rates listed in section 2.

- .02 When an employee is on a call-out that flows into their regular workday/shift, when the call-out is 3 hours or less, overtime rates are applied for the call-out period, and straight time is applied for the regular workday/shift.

Example: An employee's call-out begins at 5:00 a.m. and the employee continues working right into the regular shift, being 8:00 a.m. to 4:00 p.m. The employee is paid 3 hours of overtime in addition to the regular day's pay.

- .03 When an employee is on a call-out that is longer than 3 hours, which flows into their regular workday/shift, the employee may leave early from their regular workday/shift by the same amount of time that their call-out exceeds 3 hours. Overtime rates are applied for the call-out period and straight time is applied for pay for a full regular workday/shift.

Example: An employee's call-out begins at 4:00 a.m. and the employee continues working right into the regular shift, being 8:00 a.m. to 4:00 p.m. The employee may leave at 3:00 p.m. (1 hour early, being the length of time the call-out exceeded 3 hours). The employee will be paid for 4 hours of overtime in addition to full pay for a regular workday/shift.

- .04 If commuting to work is required, a call-out is calculated from the time the employee leaves home until the time they return home.

- .05 An employee must receive a full 8-hour rest period between shifts. If an employee works a call-out that overlaps by 3 or more hours with their regular shift, they may start the shift later to ensure the 8-hour rest period is respected.

- .06 An employee who is called-out while on approved vacation leave will have their vacation time credited, and the time worked will be paid at the regular rate of pay in accordance with *Policy 4315 – Vacation*.

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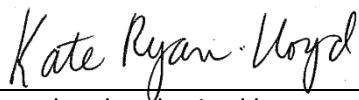
- .07 An employee who works a shift schedule and who is requested to cover an additional shift while on a day of rest will be paid overtime for the full shift at the overtime rates listed in section 2.

- 5. Overtime Breaks and Meal Allowances** .01 An employee is eligible for overtime breaks and meal allowances, earned as follows:

Paid Break	Period into Overtime	Duration	Meal Allowance
1	Worked more than 2.5 hours immediately before or after scheduled daily hours	30 minutes	Yes
2	4 hours after end of Break 1	30 minutes	Yes
3	3 hours after end of Break 2	30 minutes	Yes

- .02 Current meal allowance rates are as listed on the Human Resources intranet page.
- .03 An employee who works on call-out must work their regular shift time before being eligible for the breaks and meal allowances set out in section 5.01.
- .04 Any meal expense claims by an employee while on travel status will be reimbursed in accordance with *Policy 3015 – Employee Travel*.

Contact	Please contact Human Resources with any questions regarding this policy at PayrollOffice@leg.bc.ca .
References	<i>Policy 3015 – Employee Travel</i> <i>Policy 4030 – Hours of Work</i> <i>Policy 4040 – Flexible Work Arrangements</i> <i>Policy 4315 – Vacation</i> <i>Policy 4320 – Statutory and Observed Holidays</i> <i>Policy 4355 – Sustainable Commuting</i>



Approved and authorized by
Kate Ryan-Lloyd, Clerk of the Legislative Assembly

October 19, 2022

Date

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POLICY HISTORY

Version 1	March 4, 1997
Version 2	May 2002
Version 3	February 10, 2010
Version 4	October 21, 2021
Version 5	October 19, 2022