



# WinnCompanies

## Overtime

**Effective Date: 07/07/2014**

**Date Revised: 07/07/2014**

### **Purpose:**

The purpose of this policy is to outline WinnCompanies' requirements for overtime pay and to ensure that all employees are paid in compliance with the Fair Labor Standards Act (FLSA) and applicable state laws.

### **Eligibility:**

This overtime pay policy applies to all non-exempt full-time, part-time and temporary employees, contract employees and interns working at any WinnCompanies location.

### **Definition:**

**Non-exempt employees:** Employees guaranteed overtime pay by the Fair Labor Standards Act (FLSA), i.e., those who are not exempt from the FLSA's minimum wage and overtime provisions. Non-exempt employees are usually paid on an hourly basis.

### **Policy:**


It is WinnCompanies' policy to comply with all FLSA and state-specific requirements regarding the payment of overtime to its non-exempt employees.

### **Policy Requirements & Procedure:**

Federal law (the FLSA) requires that all non-exempt employees be paid overtime at the rate of one and one-half times their regular rate for all hours worked in excess of 40 in a given workweek. In addition, Alaska, California, Colorado, Kentucky and Rhode Island have state-specific overtime pay requirements. WinnCompanies employees working in those states will be paid overtime in keeping with those state specific requirements (state-specific requirements are detailed in Section VI of this policy).

Non-working time (planned or unplanned Accrued Time Off, Holidays and 'Early Close' time), is not included as time worked for purposes of calculating overtime.

Overtime pay is calculated on a weekly basis and must be paid for the week in which it was earned. The use of compensatory time (i.e., "comp time") in lieu of overtime pay is strictly prohibited at any WinnCompanies location.



Overtime work must be approved in advance by an employee's supervisor. An employee who works overtime without his/her supervisor's approval will be paid for the time but may be subject to disciplinary action.

In certain circumstances, an employee may be required to work overtime due to the needs of the department and/or property. These requirements may vary; please refer to guidelines set forth by your department and/or property. Employees who refuse to work required/requested overtime may be subject to disciplinary action.

## **VI. State Specific Overtime Requirements:**

**Alaska:** Non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked in excess of 8 hours in a day or 40 hours in a week.

**California:** Non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked over 8 hours in a day, all hours worked over 40 in a week, and for the first 8 hours on the seventh day worked in a single workweek. In addition, they must receive double-time for all hours worked in excess of 12 in a day, and for all hours worked in excess of 8 on the seventh consecutive day of work in a single workweek.

Note: An employer is not required to pay daily and weekly overtime when doing so would result in the payment of overtime on hours that are already being paid at an overtime premium. Overtime need only be paid once, at whichever overtime rate is the higher rate.

**Colorado:** Non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked in excess of 40 hours per week, 12 hours per workday, or 12 consecutive hours without regard to starting and ending time of the workday, whichever results in the greatest payment of wages.

**Kentucky:** An employee who works more than 40 hours total in a workweek (7-day period set by employer), and works on each day of the workweek, must be paid 1½ times the employee's regular rate for all hours worked on the seventh day of the workweek. However, an employer may credit the premium paid to an employee for work on the seventh day toward meeting its overtime pay obligations.

**Rhode Island:** Time and one half must be paid for work on Sundays and holidays and work on those days must be voluntary.

