



Corporate Policy Manual

Sub Topic:	Overtime	Policy No.	HR.2-02
Topic:	Hours of Work & Overtime	Employees Covered:	All Non-Union Employees
Section:	Human Resources	Council Adoption Date:	November 12, 2007
Effective Date:	January 1, 1999	Revision No:	001
		Date:	January 1, 2008

POLICY STATEMENT

The Town of Newmarket acknowledges that it may be necessary for employees to work overtime from time to time. This Overtime Policy outlines procedures for staff to follow, supports applicable legislation and is pursuant to the Town's strategic direction of being well equipped and well managed.

PURPOSE

To outline the conditions under which employees will be compensated when required to work in excess of their normal weekly regularly scheduled hours.

PROCEDURES

1. No overtime shall be worked without prior approval of the respective Director/Manager or designate, who shall determine the method of compensation with the employee prior to the commencement of the overtime.
2. The Director/Manager, or designate, shall have the right to limit the amount of time off in lieu of overtime pay. The Director/Manager or designate may also approve the overtime to be taken at any one time.
3. Overtime under Employment Standards legislation refers to hours worked in excess of forty four (44) hours per week. Overtime for regular non-union employees refers to hours worked in excess of forty (40) hours per week. Overtime for casual/seasonal/sessional employees refers to hours worked in excess of forty four (44) hours per week.
4. Overtime shall be kept to a minimum and should not form a regular part of the work schedule.
5. Overtime, "when necessary" shall be distributed, by the supervisor, as fairly as possible amongst those employees regularly performing the work.

6. Upon request from the Director/Manager or designate, employees may be required to work overtime. Such a request shall take into consideration any prior personal commitments that the employee may have made.
7. In compliance with employment legislation, written agreement is required from employees who work in excess of 48 hours per week. Consult Human Resources for appropriate documentation.

Overtime Entitlement:

1. **Employees eligible for Management Compensation Lieu Days**
 - Refer to Management Compensation Lieu Days Policy HR.3-02
2. **Employees in a supervisory or coordinator position**
 - Overtime is to be pre-approved by the Director/Manager or designate.
 - Overtime is to be paid at straight time for hours worked between 35 and 40 hours.
 - Overtime is to be paid at 1.5 times the regular rate for hours worked over 40 hours.
 - Where there is agreement by the employee and employer, employees can substitute time off in lieu of pay. The time in lieu is accumulated based on straight time for hours worked between 35 and 40 hours and time in lieu is accumulated at 1.5 times for hours worked over 40 hours, to an accumulated maximum of 70 or 80 hours* per employee per year.
 - Time in lieu may only be accumulated to the maximum 70 or 80 hours* and may be taken and re-accumulated to the maximum of 70 to 80*, within the calendar year the time in lieu hours are accrued, upon approval of the Director/Manager or designate.
 - Time in lieu is to be taken at a time that is mutually acceptable to the Director/Manager or designate and employee and must be authorized by the Director/Manager or designate.
 - Preference for receiving pay or time in lieu is to be determined at the time the overtime is offered. Requests for time in lieu shall require written agreement by both the employer and the employee.
 - Where lieu time is earned but not taken by December 1 of each year, the employee will be paid out at their regular wage rate. Overtime earned in December will be paid out in the pay period it is earned.

* - Based on the length of the employee's regular work week

3. **Regular Full Time Salaried and Hourly Employees**

- Overtime is to be pre-approved by the Director/Manager or designate.
- Overtime is to be paid at straight time for hours worked between 35 and 40 hours.
- Overtime is to be paid at 1.5 times the regular rate for hours worked over 40 hours.
- Where there is agreement between the employee and employer, employees can substitute time off in lieu of pay. The time in lieu is accumulated based on straight time for hours worked between 35 and 40 hours and at 1.5 times for hours worked over 40 hours, to an accumulated maximum of 35 or 40 hours* per employee per year.
- Time in lieu may only be accumulated to the maximum 35 or 40 hours* and may be taken and re-accumulated to the maximum of 35 to 40 hours*, within the calendar year the time in lieu hours are accrued, upon approval of the Director/Manager or designate.
- Time in lieu is to be taken at a time that is mutually acceptable to the Director/Manager or designate and employee and must be authorized by the Director/Manager or designate.
- Preference for receiving pay or time in lieu is to be determined at the time the overtime is offered. Requests for time in lieu shall require written agreement by both the employer and the employee.
- Where lieu time is earned but not taken by December 1 of each year, the employee will be paid out at their regular wage rate. Overtime earned in December will be paid out in the pay period it is earned.

* - Based on the length of the employee's regular work week

4. **Casual/Seasonal/Sessional/Part-Time Employees -**

- Overtime is to be pre-approved by the Director/Manager or designate.
- Overtime is to be paid at 1.5 times the regular rate for hours worked over 44 hours per week.

RESPONSIBILITIES OF EMPLOYEES

Employees are responsible to:

- To obtain appropriate pre-approval prior to working overtime.
- Complete appropriate overtime forms; obtain authorizing signatures within the pay period the overtime was earned, attached as [Appendix A](#), [Appendix B](#).
- Confirm if overtime will be paid out or banked for time off in lieu at the time the overtime is undertaken.
- For lieu time earned but not taken by December 1 of each year, the employee will be paid out by December 31 at the regular wage rate.

RESPONSIBILITIES OF EMPLOYER

Supervisors/Manager/Directors/Commissioners are responsible to:

- Manage overtime requirements in the most efficient manner including, but not limited to, the use of flex time provisions as appropriate.
- Pre-approve overtime for employees.
- Ensure fair and appropriate distribution of overtime, as applicable.
- Ensure the use of time in lieu within appropriate timelines.

Human Resources is responsible to:

- Ensure appropriate interpretation of and compliance with the procedures outlined in this policy, related policies and legislation.
- Work with Departments to support consistent application of the overtime policy.
- Assist in the resolution of conflicts regarding overtime provisions.
- Monitor the application of the overtime policy.
- Provide reports and statistics on overtime as requested.

Cross References:

[Definition of Non-Union Employee Status Policy HR.1-01](#)

[Flex Time Policy HR.2-01](#)

[Management Compensation Lieu Days Policy HR.3-02](#)

Applicable Federal and Provincial legislation such as the [Employment Standards Act and Regulations](#) as amended from time to time