



HOURS OF WORK AND OVERTIME

[Organization Name] is committed to ensuring that all employees are compensated, at minimum, as per the standards outlined in the *Saskatchewan Employment Act*.

DEFINITIONS

Standard hours of work under the *Saskatchewan Employment Act* are defined as eight hours or ten hours in one day and 40 hours in one week.

“Permitted to work”: the employer has permitted an employee to work if the employer:

- knows or ought reasonably to know that the employee is working; and
- does not cause the employee to stop working.

"At the disposal of the employer" means any time that the employee must remain under the direction and control of the employer and be available for work, even if the employee does not actually have to work.

- For instance, if employees are required to report for work 15 minutes before their scheduled shift starts, or if they are asked to remain after work to complete paperwork and prepare for the next business day, the employees are at the disposal of [Organization Name] and entitled to be paid for the extra time.

POLICY

At [Organization Name], a work week consists of (Insert #) hours for full time employees and (Insert #) hours for part time employees.

[Organization Name] employees will at times be requested to work hours above their usual hours of work. For the purposes of this policy, hours worked beyond an employee's usual number of hours but below the overtime threshold of 8 or 10 hours per day or 40 hours per week will be paid in straight time.

Any hours worked beyond the threshold of 40 hours in a week or eight or ten hours in a day (whichever is greater) will be paid at a rate of time and one half the employee's usual rate of pay. If the total of daily overtime is different from the total of weekly overtime hours, the greater of the two is used to calculate overtime pay.

[Organization Name] will get the employee's consent to work more than 44 hours in a week. The employee will not be disciplined for refusing unless there is an emergency.

Each hour or fraction of an hour worked by an employee will be compensated. Paid time at work includes any time when an employee is required (scheduled) to work, permitted to work, or required to remain at [Organization Name]' disposal.



All overtime hours must be authorized by a supervisor/manager in advance of being worked. In the event of an emergency, the hours may be worked but a manager/supervisor must be informed as soon as possible. Failure to adhere to these guidelines will result in the corrective action process.

Public Holidays

During weeks in which there is a public holiday, overtime rules apply to eligible employees after 32 hours in a week. If a public holiday occurs in a week, [Organization Name] will get the employee's consent before having them work more than 36 hours in that week. [Organization Name] may require the employee to work more than 36 hours when there is an emergency circumstance.

Exempt from Overtime

Note that at [Organization Name], managerial and professional employees are exempt from overtime rules.

Modified Work Arrangements

[Organization Name] may enter a modified work arrangement with an employee. The agreement may be on average work hours for up to four weeks. Modified Work Arrangements will only be valid for two years.

The agreement will:

- be in writing;
- be signed by [INSERT PERSON IN CHARGE] and employees agreeing to the arrangement, or a majority of the employees affected;
- Indicate the number of weeks over which the hours are to be averaged;
- Indicate daily hours of work after which an employee becomes entitled to overtime (this will match the affected employee's daily schedule);
- Indicate the work schedule that reflects the daily and weekly hours agreed upon by the parties;
- Indicate a start date and an expiry date for the modified work agreement; and
- be in place at least one week before any work schedule changes.

In addition, agreements:

- will not be longer than two years;
- will not require employees to work more than 12 hours a day without overtime pay; and
- Will be given to all employees covered by the agreement and/or posted in the workplace.

Regular overtime rules will apply should conditions set out in the Modified Work Arrangement are not met or maintained.

Exemption:



- Managerial and professional staff who are exempt from overtime cannot be part of an MWA.
- Employees working less than 30 hours per week on average cannot be part of an MWA.

Non-unionized employees working less than 30 hours per week are entitled to overtime after working more than eight hours per day or 40 hours per week (32 hours in a week with a public holiday).

Banked Overtime (delete if not a program)

[Organization Name] may at times request that employees participate in a banked time off program. This is subject to employee agreement within an overtime bank agreement as outlined below. [Organization Name] will maintain records of all time in banked time agreements, including hours worked and hours that have been paid out.

All employees who are eligible for overtime, including those working fewer than 30 hours per week, can request an overtime bank. [Organization Name], however, will not compel employees to enter into an overtime bank agreement.

Guidelines for Banked Agreements:

- Overtime will be banked at the rate of 1.5 hours for every hour worked.
- Hours withdrawn from a bank will be taken during an employee's regularly scheduled work hours and at a time/s mutually agreed upon by the parties.
- If no agreement is reached, [Organization Name] may schedule the time off by giving the employee at least one week's notice.
- All banked hours withdrawn from the bank are considered regular hours worked and will count toward the weekly overtime threshold. Time taken from the bank is compensated at the employee's current hourly rate.
- All banked time will be used or paid out within 12 months of the time it was banked at the employee's current regular wage rate.
- Any banked time that is not used within a year will be paid out at the employee's current hourly wage.
- Employees can request payouts of accumulated time, and the employer can do so without closing the bank.

Requirements for Banked Agreements:

All overtime bank agreements must be:

- written;
- agreed to and signed by both [Organization Name] and the employees; and
- retained by [Organization Name], with a copy given to each employee covered by the agreement

Terminating or Modifying a Banked Agreement Contract:



The agreement cannot be terminated or changed unless both [Organization Name] and the employee give written notice. At least one pay period in advance, the notice must be given.

If either the employee or [Organization Name] terminates the agreement, the employee may be required to use some or all of the time in the bank prior to the termination of the agreement. [Organization Name] could also choose to deposit the overtime pay.

Ending Employment

Any unpaid overtime will be paid out within 14 days of the employee's last day of work.

If an employee is laid off or terminated, the employer may not substitute banked time for the working notice period required by *the Act*. Furthermore, overtime bank payouts cannot be used in place of pay instead of notice.