

# DHSS Non 24/7 eSTAR Policies and Procedures



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**For additional questions, Please call your Local Human Resource Offices:**

HR Office	Phone
New Castle, Kent County Offices	Main Line: 302-735-6310 Fax: 302-622-4193  Email: <a href="mailto:DHSS_HR_Inbox@delaware.gov">DHSS_HR_Inbox@delaware.gov</a>
Sussex County Offices	Main Line: 302-933-3233 Fax: 302-933-3212  Email: <a href="mailto:DHSS_HR_Inbox@delaware.gov">DHSS_HR_Inbox@delaware.gov</a>

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## 1. Overtime for FLSA covered (overtime-eligible) employees –

**Policy:** Pursuant to Section 8(j)(1) of the FY 16 Budget Act, overtime at the rate of time and one-half will commence after the FLSA non-exempt or overtime eligible employee has accrued 40 compensable hours during a work week.

- The hours between 37.5 and 40 will be paid at straight rate.
- 40 remains the threshold for determining overtime hours at time-and-one-half for each week.
- All non-worked compensable hours plus hours actually worked during a work week will count toward the 40-hour threshold for determining overtime.

### Procedures:

1. The **additional hours worked** paycode must be entered on each day the extra hours were worked for FLSA Covered Employees (overtime eligible). The paycode and number of hours should be entered directly on the timesheet in eSTAR.
2. A comment needs to be entered in comment box stating why the extra hours were worked.
3. This will create a **red level** exception on the employee's timesheet because the additional hours must be approved. Please see example below.

Date	Exception Message	Severity	Acknowledge
Sun 05/13	Employee has entered ADDITIONAL_HRS_WRK pay code on the timesheet.	Error (not paid)	<input checked="" type="checkbox"/>

4. The manager will need to **acknowledge and save** the additional hours worked in order for the additional hours to be paid or for Comp Time to be added. [Job Aid # 17 Exception Handling](#) and [Job Aid #18 Approving Timesheets](#).
5. If the hours are approved to be paid out, eSTAR will automatically calculate and will appear under the results tab on the timesheet.
6. To use Comp Time instead of paying out, please see *Accruing Compensatory Time – Fair Labor Standards Act (FLSA)* – below. If the manager does not acknowledge the additional hours, they will not be paid out. An amendment will have to be made on another pay.

## 2. Overtime for FLSA non-covered (not overtime-eligible) employees –

- FLSA non-covered (not overtime-eligible) employees may only be paid for overtime if approved by the Director of the Office of Management and Budget as well as the Director of Human Resource Management per Merit Rule 4.13.6.

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- To initiate a request, please contact the DHSS HR Compensation manager at (302) 255-9082.

### Procedure:

1. The ***additional hours worked*** paycode must be entered on each day the extra hours were worked. This paycode and number of hours should be entered directly on the timesheet in eSTAR,
2. For instructions to enter Comp Time, please see *Accruing Compensatory Time – Fair Labor Standards Act (FLSA)* – below.
3. In order for FLSA Non-Covered employees (not overtime-eligible) employees to be paid for additional hours worked, the Manager will need to acknowledge the red level exception (thus approving the overtime) and communicating with the Auditor to let them know the extra hours have been approved as overtime.
4. Once the Auditor receives approval from the Manager, the Auditor will need to enter the Overtime Code for *Straight Time/Overtime, T10H*.
5. The overtime paycode needs to be entered **on the day** the extra hours were worked. This differs from entering Comp Time which is entered at the end of the pay period.

### 3. Nursing – Specially Approved Compensation for Overtime Worked

- Nurse classifications are exempt from the Fair Labor Standards Act (FLSA), meaning they are considered Non-Overtime eligible; however, DHSS has approval to pay nurses overtime at time and one-half as is common in the profession.
- Overtime and holiday pay are approved, at one and one-half times the regular rate, for all RN's I-III, Nurse Supervisors, Advanced Practice Nurses, Compliance Nurses, SMV-Nursing Trainer/Educators, and Nurse Consultants. Compensation for overtime is either cash or time off.

### Procedure:

1. In order for eSTAR to automatically calculate OT for Non-FLSA, but OT eligible nurses, an indicator must be checked on in the HR system, PHRST. **Please contact local your HR group to determine if changes need to be made in PHRST HR system before you initiate the overtime.**
2. If the nurse works overtime, the ***Additional Hours Worked*** paycode needs to be entered as well as the number of hours worked on the day the hours were actually worked. This will create a red-level exception. This paycode can be entered by the employee, auditor or manager.
3. The manager must acknowledge the red level exceptions. Once acknowledged, eSTAR will automatically calculate the Overtime. **Caution – failing to acknowledge/clear red level exceptions results in pay errors.**

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4. If the Nursing employee elects to receive Comp Time for additional hours worked instead of cash, the auditor must use the **Comp Time Earned (CTE10)** paycode for all hours to be paid at the straight rate (1.0x). The **Comp Time Earned (CTE15)** paycode will need to be used for all hours to be paid at the 1.5x rate. Please refer to [Job Aid # 10 \(How To Enter Comp Time as the Auditor\)](#).

### 4. Accruing Compensatory Time – Fair Labor Standards Act (FLSA)

- In order to determine if you are FLSA covered (overtime-eligible) or FLSA non-covered (not overtime-eligible), please contact your Human Resources office.
- You may also view your FLSA status by viewing your profile in eSTAR. Your policy profile can be found at the top of your timesheet.

eSTAR Display	Eligibility
DHSS – FLSA Covered	Employees qualify for Overtime.
DHSS - FLSA Non-Covered	Employees do not qualify for Overtime or Holiday premium pay.
DHSS – FLSA Non-Covered OT Eligible	Employees qualify for Overtime and Holiday premium pay.
DHSS – Casual/Seasonal	Employees may qualify for Overtime and Hazard Pay, but not other benefits or Merit Rules.
DHSS – Other	Employees do not follow the Merit rules, but rather report time worked.
DHSS – Teacher	Employees will not qualify for overtime, annual leave, Holidays, Floating Holidays, or Compensatory Time.

The screenshot shows the eSTAR 'My Time Entry' interface. At the top, there's a navigation bar with 'Home' and 'Help' links. Below it, a date range '01/24/2016 - 02/06/2016' is displayed. The main area is a table for entering time, with columns for Date, Pay Code, Hours, Amount, and Optional Proj. The table shows entries for January 24, 2016, with a total of 37.50 hours. A callout box points to the 'Empl Record: 0 | DDS: 350120200 | PP: DHSS\_FLSA\_PPM' information.

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- For FLSA covered (overtime-eligible) employees unused, earned compensatory time must be paid out prior to transfer, promotion, demotion, and separation.
- For FLSA non-covered (not overtime-eligible) employees, unused, earned compensatory time is forfeited upon transfer, promotion, demotion, and separation.
- FLSA non-covered (not overtime-eligible) employees may be compensated at the 1.5 times rate only per Merit Rule 4.13.8. **This requires approval from the Director of OMB.**
- Compensatory time earned in these instances shall be Merit Compensatory Time and shall be used within 180 calendar days of accrual or be forfeited. eSTAR will automatically deduct unused compensatory time after 180 days.
- Casual/Seasonal employees are not Merit employees and are not eligible for compensatory time.
- Union employees covered by AFSCME Local 2305 (DPC), AFSCME Local 3514 (Stockley) and AFSCME Local 516 (Governor Bacon) are exempt from the following sections of the policy because of existing contract language.
  - For FLSA covered (overtime-eligible) employees, unused, earned compensatory time must be paid out prior to transfer, promotion, demotion, and separation.
  - For FLSA non-covered (not overtime-eligible) employees, unused, earned Merit compensatory time is forfeited upon transfer, promotion, demotion, separation and in the case of death.
- *For more information see the State of Delaware's [State Compensatory Time Policy](#).*
- *For more information regarding FLSA, please click on the following link: [Fair Labor Standards Act \(FLSA\)](#).*

To enter **earned** Comp time on the timesheet:

1. Refer to individual Division Policy regarding requirements for Pre-approving Compensatory Time and Overtime.
2. Auditors entering Overtime or Comp time on employee's timesheet should follow [Job Aid # 10 \(How To Enter Comp Time as the Auditor\)](#).

➤ **FLSA Covered (overtime-eligible) employees:**

The employee, Manager or Auditor enters *Additional Hours Worked on each day* comp time is earned.

- a. The Manager will need to **acknowledge** the *Additional Hours Worked* (red level exception) earned on each day.
- b. After the Manager acknowledges the comp time earned, the Auditor will add all comp time earned for the work week using the Comp Time Earned (CTE) pay code on the last day of the work week that the employee was physically in the office. This will clear the red level exceptions to yellow level (warning) exceptions.

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- c. The number of hours of Comp Time may not exceed the number of hours the employee was physically in the office. Comp Time hours cannot be entered on days when the employee was on paid leave.

➤ **FLSA Non-Covered (not overtime-eligible) employees:**

- a. The employee, Manager or Auditor enters Additional Hours Worked on each day comp time is earned.
- b. The Manager will need to **acknowledge** the *Additional Hours Worked* (red level exception) earned on each day.
- c. Once the Manager acknowledges the comp time earned, the red level exception will clear to yellow.

Date	Exception Message
Wed 05/04	10.25 hours reported exceed 8.0 scheduled hours for the day.

- d. The above message states that the employee's reported hours exceed the scheduled hours for the day. The comp time hours have not been added to the employee's time sheet. The following yellow level exception will also appear.

Thu 05/12	Unpaid pay code has been generated. Please take appropriate action, if applicable.
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- e. The Auditor will add all Comp Time hours earned for the pay period using the Comp Time Earned (CTE) pay code.
- f. This code (and all Comp Time hours earned) needs to be entered on the last day of the work week that the employee was physically in the office. Even though the FLSA Non-Covered employee earned comp time during the first week of the pay period, the Auditor will need to add all comp time on the last scheduled workday in the pay period.

### 5. **Loss/Payout of Compensatory Time Upon Termination or Promotion**

- If a **FLSA covered (overtime-eligible)** employee terminates, transfers, or promotes, they will be paid out for the remaining compensatory time at the current rate of pay. **Please contact HR for procedure in paying out compensatory time.**
- If a **FLSA non-covered (not overtime-eligible)** employee terminates, transfers, or promotes they forfeit all earned compensatory time. eSTAR will automatically delete unused compensatory time.

### 6. **Holiday Special Procedures**

- Alternative Work Schedule during Holiday Week -
  - If the employee works an alternative work schedule during a pay period where a state Holiday falls, eSTAR will automatically credit employee with 7.5 hours for the holiday.
  - An adjustment will be necessary if the employee is scheduled to work more or less than 7.5 hours on the day the holiday falls on.

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- The chart below shows:
  - The options allowed by [DHR's Alternative Work Arrangement Policy](#)
  - How options are to be handled in eSTAR.

Option	eSTAR Process
1. Change schedule to 7.5 hours/day for the <u>entire pay period</u> .	<ul style="list-style-type: none"> <li>• Manager or auditor manually adjusts the schedule tab on the employee timesheet in eSTAR.</li> <li>• Employee reports to work according to the revised schedule-<i>auditor/manager will need to temporarily change employee's schedule for pay period.</i> – <a href="#">Job Aid #21 – Assigning/Updating Employees Schedule</a></li> </ul>
2. Request leave or use of Comp Time for any hours normally scheduled to work beyond 7.5 hours on the day of the week when the holiday falls. Used when the employee will owe hours beyond the 7.5 Holiday credit	<ul style="list-style-type: none"> <li>• Only the manager or auditor can add ALT (annual leave taken) or CTT (comp time taken) on the actual Holiday directly on the timesheet. Employees <b>are not</b> able to submit a Time Off Request on a Holiday.</li> </ul>
3. Working additional hours in the pay period (flexing the time) – used when the employee will owe hours beyond the 7.5 Holiday credit. <ul style="list-style-type: none"> <li>• <b>FLSA Covered (Overtime-eligible) employees may <u>not</u> work greater than 40 hours per work week.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Employee enters additional time on timesheet.</li> <li>• Manager approves the exception – <a href="#">Job Aid # 17-Exception Handling</a></li> </ul>
4. Individuals whose Flex day falls on the Holiday: <ul style="list-style-type: none"> <li>• Schedule an alternate day off within the same workweek as the holiday.               <ul style="list-style-type: none"> <li>-FLSA-OT Eligible- Must flex out <b>within the Holiday week.</b></li> <li>-Non-FLSA-Exempt-Can flex out within the pay period or have comp time added.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Manager or auditor needs to adjust the schedule tab (<i>Add 7.5 hours to schedule on the Holiday and reduce the rest of the schedule by 7.5 hours depending on which alternative day the employee wants to take off/flex</i>).</li> <li>• Manager needs to notify the auditor of approved Comp Time.</li> <li>• The auditor enters the comp time – <a href="#">Job Aid # 10 How to Enter Comp Time as the auditor</a></li> </ul>



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### 7. Holiday – No Pay Status Before/After Holiday

- Per Merit Rule 4.14.3, To qualify for pay for a holiday not worked, employees shall be required to be in a paid status for any portion of the day on their last scheduled day prior to the holiday, and on their next scheduled day after the holiday.
- eSTAR will pay the employee for the Holiday if the employee works on the actual Holiday.

#### **Procedure:**

1. eSTAR is programmed to only give holiday pay if an employee is in a paid status for the full scheduled day prior to the holiday. However, the Merit Rule states the employee is eligible for holiday pay as long as they are in a paid status for any portion.
2. Effective July 1, 2018, when eSTAR does not automatically give the holiday credit for an employee because they were not in a paid status for the full scheduled day prior, the auditor can add the holiday by using the Holiday Adjustment pay code.
3. Use the *Holiday Adjustment (AJHOL)* pay code. The auditor must add the 7.5 (for full-time employees) hours holiday credit by entering the *AJHOL* pay code directly on the timesheet the day of the holiday.
  - a. [Job Aid #16 – Timesheet: Editing Employee Time and Using Pay Codes](#)

### 8. Return Day

- All employees who live or work in Sussex County shall receive 3.75 hours for a 37.5-hour work week of holiday leave regardless of shift.
  1. eSTAR is programmed to use the employee's work location or the employee's county and will automatically pay those eligible for Return Day.
- No employee may receive more than 3.75 of holiday leave for Return Day.
- Return Day will be administered as follows for the various schedules:
  1. Employees scheduled to work from 8:00 am to 4:30 pm will have the holiday from 12:00 noon until 4:30 pm.
  2. Employees do not have to attend Return Day events in order to be eligible for the holiday.
- Living in Sussex County shall mean the employee's official residence as reflected in PHRST. Working in Sussex County shall mean that the employee's regular work location is in Sussex County, without regard to where that employee may be assigned on a particular day.

#### **Procedure:**

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1. Use the *Holiday Adjustment (AJHOL)* pay code. The auditor will need to subtract the 3.75 hours given for the holiday.
2. [Job Aid #16 – Timesheet: Editing Employee Time and Using Pay Codes](#)

### 9. Floating Holiday

**Policy:** Beginning each calendar year, employees on payroll as of December 31 shall receive two, paid floating holidays that must be taken within the calendar year. Employees who work a 37.5 hour schedule shall be entitled to 7.5 hours for each floating holiday. For permanent part-time employees, the floating holidays shall be prorated based on the percent of full-time hours.

- **DHSS requires that Floating Holidays be used in full-day increments.**
  - When approving Time Off Requests (TOR) for Floating Holidays (FHD), managers are only permitted to approve FHD in 7.5 hour increments.
- Employees will not be paid for unused Floating Holidays when they separate from employment.
- Unused Floating Holidays will not carry forward from one calendar year to the next. There are no exceptions this rule.
- Floating Holidays used to supplement short-term disability or worker's compensation will apply in whole day increments with no residual.
- Floating Holidays may not be donated to another employee.
- Floating Holidays are paid at straight time.

**Procedures:**

1. Employees must submit a Time Off Request (TOR) in advance and choose "*FHD Floating Holiday*" in drop down.
2. [Job Aid #2 – Requesting Time Off](#)

### 10. Permanent Schedules

- Permanent Schedules for DHSS employees are loaded into eSTAR by the Manager or Auditor.
- Employees must have an assigned permanent schedule in eSTAR in order to receive pay.
- Casual/Seasonal employees are responsible for entering hours worked daily for each pay period in order to receive pay. The manager will need to acknowledge the yellow level exception in order for Casual/Seasonal employees to get paid. Please see [Job Aid 6](#) for instructions on how Casual/Seasonal employees enter hours.

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- Temporary schedules can be assigned by the Manager or Auditor and are only valid for the dates specified. Please refer to Job Aid 21.

### Procedures:

1. [Job Aid #21 – Assigning/Updating Employees Permanent Schedule](#)
2. [DHSS Schedules Chart](#) – click on Job Aid #22
3. **If employee's schedule is not an option, please contact your local HR office to add the new schedule.**

### 11. Exceptions

- **It is recommended that the exceptions are reviewed and acknowledged on a daily basis. Waiting to review and acknowledge exceptions may risk employees not getting paid properly.**
- This is a message generated on the timesheet to indicate that something has occurred that needs to be viewed by the manager. For example, an employee has worked over or under the scheduled hours.
- If a time entry has a related exception, a color-coded exception pushpin appears. The exception messages are also color-coded to identify the level of severity.

 White	No exceptions or only informational messages present
 Yellow	Warnings Present
 Red	Errors Present

- Based on the exception, the timesheet may need to be adjusted.
  - For example, a red level exception needs to be acknowledged by the manager before payroll is processed.
  - DHSS management is not authorized to pay non-nursing, or FLSA exempt employees' overtime without OMB approval.
  - When a red level exception is acknowledged by a manager, it will go to a yellow exception. It will not clear out of eSTAR completely.
  - [Job Aid 17: Exception Handling](#)

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### 12. Mid-Pay Period Transfer

- Definition: If an employee transfers into a Merit position effective anytime **other than** the first Sunday or Monday of a pay period; eSTAR is currently unable to correctly calculate leave accruals. Instead of giving the prorated accrual, eSTAR currently gives the employee a full month's worth of sick and vacation accrual. This scenario only applies to employees transferring into a Merit position.
- In order to correct accrual rates in eSTAR, leave will need to be manually adjusted for employees who transfer in the middle of a two-week pay period. The receiving **Auditor** role will need to use sick and vacation adjustment pay codes.
- If only a partial month is completed the following table shall be used to compute annual leave accrual for that month:

#### **37.5 HOURS PER WEEK STANDARD WORK SCHEDULE**

<b>Total Days Worked</b>	<b>9.5 Hours Monthly Accrual</b>	<b>11.25 Hours Monthly Accrual</b>	<b>13.25 Hours Monthly Accrual</b>
1	.50 hour	.50 hour	.75 hour
2	1.00	1.25	1.25
3	1.50	1.75	2.00
4	2.00	2.25	2.75
5	2.50	2.75	3.25
6	2.75	3.50	4.00
7	3.25	4.00	4.75
8	3.75	4.50	5.25
9	4.25	5.00	6.00
10	4.75	5.75	6.75
11	5.25	6.25	7.25
12	5.75	6.75	8.00
13	6.25	7.25	8.50
14	6.75	8.00	9.25
15	7.25	8.50	10.00
16	7.50	9.00	10.50
17	8.00	9.50	11.25
18	8.50	10.25	12.00
19	9.00	10.75	12.50
20 or more	9.50	11.25	13.25

*[State of Delaware Human Resource Procedure Manual](#)*

**Procedure:** [Job Aid #16 – Timesheet: Editing Employee Time and Using Pay Codes](#)

### 13. Compassionate Leave

- Per [Merit Rules 5.4.1](#) and [5.4.2](#), Compassionate Leave shall be granted for 22.5 hours for the death of an immediate family member and 7.5 hours for a non-immediate family member.

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- When submitting a Time Off Request (TOR), for Compassionate Leave, eSTAR defaults to the employee's scheduled hours. If an employee is scheduled to work greater than 7.5 hours per the day, the TOR will default to the greater number of hours.
- While eSTAR allows this, total hours greater than 7.5 (non-immediate) and 22.5 (immediate) are not permitted.

If a Manager receives a request for Compassionate Leave greater than the hours permitted, they must reject the TOR and have the employee resub