



# State Records Center and Archives

## New Mexico Commission of Public Records

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**SERIES:** Human Resources (SRCA 400)

**NUMBER:** SRCA-415

**TITLE:** Overtime Request, Authorization and Compensation

**PURPOSE:** To establish a uniform policy for compensation of SRCA employees who have worked overtime.

**SCOPE:** This policy applies to all SRCA employees.

**DEFINITIONS:**

**“Covered employee”** means an employee who is covered by the overtime provisions of the Fair Labor Standards Act. Positions within the commission of public records – state records center and archives that fit this definition include office and administrative support workers, secretaries, and information record clerks.

**“Overtime status”** refers to whether an employee is covered or not covered (exempt) by the Fair Labor Standards Act (FLSA).

**“SRCA”** means the New Mexico Commission of Public Records - State Records Center and Archives.

**“SPO”** means the State Personnel Office.

**“Workweek”** means Saturday through Friday.

**A. GENERAL PROVISIONS:** The SRCA overtime compensation policy is governed by the State Personnel Board (SPB) rules and the Fair Labor Standards Act (FLSA). SRCA has a right to require employees to work overtime, consistent with the FLSA and SPB, in order to accomplish the mission of the agency. Supervisors must distribute overtime in a fair and equitable manner and make every effort to provide employees with reasonable notice of scheduled overtime work. Overtime work must be held to a minimum consistent with efficient utilization of human resources and it must be properly documented.

SRCA employees must receive prior authorization from the Deputy to perform overtime work, except for an emergency, when an employee is unable to obtain prior approval. An employee will be appropriately compensated for any overtime worked without prior authorization, if the employee's supervisor knew or clearly should have known that the employee was working overtime and permitted the employee to do so. Failure to obtain prior authorization may lead to disciplinary action.

The FLSA requires SRCA employees who are non-exempt from this law be compensated at one and one-half times their hourly rate of pay for extra hours worked beyond the 40-hour workweek. SRCA employees not covered or exempt from the overtime provisions of the FLSA will be compensated at the rate of one hour for each hour worked beyond the 80 hours in a two-week period. In order to compensate an employee with compensatory time off in lieu of cash payment, the employee must have a signed

*Authorization to Perform Work Beyond Normal Work Schedule.* This form is available on the SRCA Intranet.

Supervisors may not change the workweek to avoid payment of overtime. A change to the scheduled work hours within the workweek shall not be considered a change to the workweek. Supervisors are prohibited from approving compensation, which has not been earned or authorized under SRCA policy or state or federal law.

**B. DETERMINATION OF STATUS AND APPEAL:** All positions within SRCA shall be periodically reviewed and evaluated by the Human Resource Manager to determine the positions FLSA exempt or non-exempt status. Upon hire, employees will receive an FLSA Determination form, which is to be signed by the employee and supervisor then returned to the Human Resource Manager within 10 days of receipt. Upon promotion, reclassification, downgrade or other significant change to an employee's position classification a new FLSA determination form will be signed by the employee and the supervisor and returned to the Human Resource Manager within 10 days.

Employees, at any time, may appeal the assignment of their FLSA exempt or nonexempt exemption status by filing a written document with the Human Resource Manager explaining the reasons for the appeal. Upon receiving the appeal, the Human Resource Manager will investigate the appeal and make a recommendation to the Administrator. The Administrator shall notify the employee in writing of the appeal decision within 30 calendar days. Notification shall inform the employee that if they are dissatisfied with SRCA's decision they may appeal to the Director of the State Personnel Office (SPO) within thirty-calendar days of receipt of the decision. The appeal to the Director of the SPO must be in writing and must include the reason(s) why the employee believes they are improperly identified for overtime coverage. The appeal must also include documentation describing the work currently being performed by the employee and any other relevant information. All information contained in the appeal must be verified by the Administrator.

**C. FLSA COVERED EMPLOYEES (NON-EXEMPT):** Overtime work by FLSA covered employees is defined as hours worked in excess of 40 hours in a workweek. A supervisor may grant an FLSA covered employee equal time off within the same workweek to avoid overtime work. FLSA non-exempt employees will be paid in cash or Comp Time at the employee's election, unless the employee is informed at the time the overtime is assigned that only Comp Time is being offered and agrees to work the overtime. Non-exempt employees may only accrue up to 240 hours and must be permitted to use compensatory time on the date requested unless doing so would "unduly disrupt" the operations of the agency. FLSA non-exempt employees will receive cash payment in lieu of compensatory time upon separation from SRCA.

**D. FLSA NON-COVERED EMPLOYEES (EXEMPT):** Overtime worked by FLSA exempt employees is defined as hours worked in excess of 80 hours in a two week period. Overtime worked by FLSA exempt employees shall be compensated through compensatory time on an equal time basis. FLSA exempt employees may not receive cash payment in lieu of compensatory time upon separation from SRCA. FLSA exempt employees transferring from another state agency into SRCA may not have any compensatory time that was earned while working for the other state agency transferred to SRCA. FLSA exempt employees shall not carry more than a maximum of 160 hours of compensatory time at any time, including the end of a calendar year.

**E. TRAVEL TIME:** Travel time from home to the normal place of work and from the normal place of work to home is not counted as hours worked under normal circumstances. However, travel time that takes place during an employee's normal workday is considered hours worked.

Travel time as a passenger in an airplane, bus, train, or automobile outside of regular working hours is considered hours worked if the travel itinerary is approved by the State Records Administrator.

[New 8/10/01; Overtime portion replaces Policy 2.3.20.006, Overtime Request and Authorization, 2/7/96; renumbered and amended, 3/7/2014; amended, 12/31/2014]

**APPROVED:**

*Linda Trujillo*

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**Linda M. Trujillo**  
**State Records Administrator**

**EFFECTIVE DATE:**

December 31, 2014