



**ARKANSAS DEPARTMENT OF THE MILITARY  
OFFICE OF THE ADJUTANT GENERAL  
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ASA HUTCHINSON  
GOVERNOR

KENDALL W. PENN  
MAJOR GENERAL  
THE ADJUTANT GENERAL

NGAR-DOTM

29 August 2019

**MEMORANDUM FOR DEPARTMENT OF THE MILITARY (DOTM) STATE  
EMPLOYEES**

SUBJECT: Department of the Military (DOTM) Policy 41-2019, Overtime and Compensatory Leave Time Policy

1. The DOTM Human Resources is responsible for the creation, updating, revision and dissemination of state policies and procedures. These policies and procedures assist the agency in maintaining a competent workforce.
2. The purpose of the policy is to allow all state employees and supervisors to properly document all required work transactions and ensure consistent department-wide reporting for overtime and compensatory leave.
3. Point of contact for this memorandum is Scott Stanger at (501) 212-5167.

A handwritten signature in black ink, appearing to read "Kendall W. Penn".

KENDALL W. PENN  
MAJOR GENERAL  
The Adjutant General

Encl.  
Overtime and Compensatory Leave Time Policy

NGAR-DOTM

SUBJECT: Department of the Military (DOTM) Policy 41-2019, Overtime and Compensatory Leave Time Policy

1. Overtime pay is the least desirable way of compensating an employee for overtime work; therefore, agencies are authorized to provide compensatory time as compensation for overtime work. If it is necessary for the continued effective operations of the agency then overtime payments may be provided.

2. Overtime is any hour worked in excess of 40 hours in a work week. Non-exempt employees must be paid for the extra hours worked at a rate of time and a half (1 ½). The Chief Fiscal Officer of the State will designate the employees that are eligible to receive overtime compensation, the circumstances which overtime pay will be allowed and anything else necessary to comply with federal law. Employees classified in exempt titles may earn overtime if the agency presents to the Department of the Military (DOTM) sufficient information that the duties and tasks performed are nonexempt in nature. If the DOTM determines that the non-exempt status for overtime purposes is justified, an exception will be made for that class or position only within that agency. The agency must present the following:

- a. The position control number and the employee's name;
- b. An internal job description listing the specific tasks performed; and
- c. A detailed percentage allotment of time spent in the performance of the tasks with a maximum of 100%.

4. Compensatory (comp) time is time earned, in lieu of a monetary payment, for any work performed in excess of 40 hours in a work week. Comp time is provided at a rate of time and a half (1 ½) and may not be earned in less than 15 minute increments. Employees whose normal work period is 40 hours a week cannot accrue more than 240 hours in comp time and the employee will be paid for any time that exceeds 240 hours.

Employees that are seasonal, fire protection or law enforcement cannot accrue more than 480 hours in comp time and the employee will be paid for any time that exceeds 480 hours. When an employee uses earned comp time, he or she will be paid at the base rate of pay of the current grade. An agency may pay overtime in the combination of payments and comp time at the rate of time and a half (1 ½) as long as it is consistently applied.

5. Comp time may only be earned with prior approval from the Chief of Staff and Agency Department Heads and must be earned before it can be used. Comp time must be used in lieu of annual leave and may be used in lieu of sick leave. Supervisors are responsible for establishing and maintaining adequate time and leave records for their staff. (Reference Time/Leave/Holiday Procedures in Employee Policy, Procedures & Orientation Handbook) Agencies are required to maintain complete and accurate records in AASIS regarding comp time earned and used.

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6. When an employee transfers to another agency or terminates employment, the original agency must pay the employee the balance of their unpaid overtime or unused comp time in a lump sum payment at the higher rate of the following:

a. The average regular rate received by the employee during the last 3 years of employment; or

b. The final regular rate of pay received by the employee.