

Overtime Pay FAQs December 2019

What are the new overtime provisions?

On September 24, 2019, the U.S. Department of Labor (DOL) announced that the salary thresholds for overtime pay would increase from the \$455 per week (\$23,660 annualized) to \$684 per week (\$35,568 annualized). The new rules become effective January 1, 2020. This change will result in some currently exempt employees being reclassified as non-exempt, meaning that they may be eligible overtime compensation.

Who is included in the new overtime provisions?

The State of Tennessee has identified job classifications that have a minimum salary which fall under the following salary grades:

- Basic Pay Plan (BPP): Salary grades 27 and below; and
- Executive Service Pay Plan (ESPP): Salary grades 101 and 102.

If your job classification falls under one of these salary grades, you will be considered non-exempt for overtime purposes, beginning January 1, 2020.

How will I be compensated for overtime work?

Beginning, January 1, 2020, non-exempt employees covered by the overtime provision of the Fair Labor Standards Act will most receive compensatory time in lieu of cash; however, certain exceptions may apply.

Non-exempt employees in salary grades 20 and below on the BPP will be eligible for cash. Such employees may request compensatory time in lieu of cash payment.

All *newly eligible* non-exempt employees must sign an awareness statement as part of their overtime eligibility.

Will I be eligible to receive cash instead of compensatory time?

Until further notice, employees eligible for overtime due to the new salary threshold (employees in salary grades 21 through 27 on the BPP and salary grades 101 and 102 on the ESPP) will be awarded compensatory time in lieu of cash.

Non-exempt employees in salary grades 20 and below on the BPP will be eligible for cash.

Do I need my supervisor's approval to work overtime?

Yes. Overtime is authorized at the request of the appointed authority for an agency or an officially designated supervisor or manager. An employee must have his or her manager's approval before working overtime.

What if I work overtime without the authorized approval?

An employee who works overtime without prior approval will be paid for the time worked; however, the employee may also be subject to disciplinary action.

Where can I learn more information about overtime pay?

For more information on overtime and compensatory time, [please click here](#) to review the State of Tennessee's Attendance and Leave Manual. You may also contact your agency human resources office.