

Tender Care Medical Services, Inc.
POLICY & PROCEDURES

Title: Workweek/Overtime

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PURPOSE:

To establish a policy for an employee's work week and the payment of overtime in compliance with the Fair Labor Standards Act (FLSA) and State and local wage and hour laws.

DEFINITIONS:

Base Rate

The hourly rate of pay does not include any bonuses or other adjustments.

Overtime

Hours worked by non-exempt employees in excess of 40 in a work week are subject to compensation at a rate of one and one-half times their regular rate in accordance with the Fair Labor Standards Act or other applicable laws.

Regular Rate

The hourly rate of pay, which is generally based on all remuneration for employment and is determined by adding to an employee's base rate, special adjustments or other amounts paid for compensable working time – total remuneration divided by total hours worked.

POLICY:

Each Administrator/Supervisor must ensure that employees do not work unauthorized time. However, all hours worked, either authorized or not, must be paid (but an employee may be disciplined for working without authorization).

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With the transportation of children six days each week, the employee is required to work mandatory overtime in certain circumstances. However, such time should not exceed any statutory limitations imposed by law on permissible hours.

OVERTIME COMPENSATION:

NON-EXEMPT EMPLOYEES:

Non-exempt employees will be paid a minimum of one and one-half times their regular rate of pay for all overtime worked as mandated by this policy and all applicable laws.

If an employee works different jobs and earns different rates of pay, the weighted average regular rate must be used to calculate overtime.

Non-worked hours (e.g., PTO, Bereavement, Jury Duty,) are not considered hours worked for overtime calculation. Actual hours worked will be considered for overtime calculation. In lieu of overtime pay, employees who work on designated holidays are compensated at 1 ½ times their regular hourly rate for *hours actually worked*. The employee is paid their regularly hourly rate of pay for the 8/10/12 hour shift and are additionally compensated at a ½ time rate of pay for those same hours.

Hours actually worked that are considered as non-productive (e.g., required meetings, in-services, etc.) must be included in the overtime calculation.

EXEMPT EMPLOYEES:

Exempt employees are not eligible for FLSA overtime compensation. However, this does not preclude the use of flexible work hours and work weeks for exempt employees.