

APPENDIX A: OVERTIME ELIGIBILITY AND COMPENSATION CHART

ELIGIBILITY STATUS		COMPENSATION	
	Comp Plan	In excess of 35 but not more than 40 hours per workweek	In excess of 40 hours per workweek as prescribed by FLSA
35 (covered)	35	Cash compensation at one and one-half times the hourly proration of the base salary or compensatory time off (CTO) at one and one-half times the hours worked.	Cash compensation at one and one-half times the regular rate ¹ or CTO at one and one-half times the hours worked providing the employee has not accrued more than 250 hours of CTO. ²
35 (exempt)	3E	Cash compensation at one and one-half times the hourly proration of the base salary or CTO at one and one-half times the hours worked.	Cash compensation at one and one-half times the hourly proration of the base salary or CTO at one and one-half times the hours worked.
40 (covered)	40	Not applicable	Cash compensation at one and one-half times the regular rate ¹ or CTO at one and one-half times the hours worked providing the employee has not accrued more than 240 hours of CTO. ²
40 (exempt)	4E	Not applicable	Cash compensation at one and one-half times the regular rate or CTO at one and one-half times the hours worked.
NL (covered)	NE	No cash compensation. CTO for unusual work time to a maximum of hour for hour (discretionary). ⁴	Cash compensation at one and one-half times the regular rate ¹ or CTO at one and one-half times the hours worked providing the employee has not accrued more than 240 hours of CTO. ²
NL (exempt)	NL	No cash compensation. CTO for unusual work time to a maximum of hour for hour (discretionary). ⁴	No cash compensation. ³ CTO for unusual work time to a maximum of hour for hour (discretionary). ⁵
NL4 (exempt)	N4	Not applicable.	No cash compensation. ³ CTO for unusual work time to a maximum of hour for hour (discretionary). ⁵

¹ Regular rate is the hourly proration of the employee's annual base salary plus the fair market value of goods and facilities received as part of the wages. Employees who work at different pay rates in a single workweek shall have their hourly proration based on a weighted average of the different rates.

² Note: Employees engaged in a public safety activity, an emergency response activity, or a seasonal activity may accrue not more than 480 hours of CTO.

³ Except as provided in N.J.A.C. 4A:3-5.7(d) (Exceptional Emergencies).

⁴ Except as provided in N.J.A.C. 4A:3-5.3(d)2.

⁵ Except as provided in N.J.A.C. 4A:3-5.6(b)2.

Amended by R.1993 d.424, effective September 7, 1993.

See: 25 N.J.R. 1916(a), 25 N.J.R. 4064(a).