

**ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY
OFFICE OF EMPLOYMENT AND TRAINING**

**NATIONAL DISLOCATED WORKER PROGRAM
DISASTER RELIEF EMPLOYMENT OVERTIME REVIEW AND APPROVAL REQUIREMENTS**

BACKGROUND

The purpose of disaster worksites and Disaster Relief Employment (DRE) under the National Dislocated Worker Program (DWG) is to assist communities (local governments and nonprofits) in their recovery from the disaster. As disaster worksites are being developed, Local Workforce Innovation Areas (LWIAs) need to identify the disaster recovery needs of the worksite employer and determine how our DRE workers can best assist, consistent with DOL and State requirements. The worksite planning includes a consideration of the project objectives; the number of workers needed; the duration of the project; and the total number of hours to be worked by a DRE participant. Although overtime is allowed, the approval should be given sparingly following the general guidelines outlined in this document.

Q: *Is overtime allowable for Disaster Relief Employment workers funded under a National Dislocated Worker Grant?*

A: Overtime is allowable for Disaster Relief Employment workers in Disaster Recovery DWG grants as explained by DOL below:

Overtime – Participants may work overtime (subject to regulations of the Fair Labor Standards Act with respect to level of compensation), provided that this is part of the design of the project and regular employees of the employer in question are also working overtime, subject to the limit on duration of participation for workers under this project.

Q: *What are the factors that the LWIA must consider in approving overtime requests?*

A: Overtime approval should be given sparingly, which sometimes means saying no. There may be situations when the need for overtime comes up unexpectedly, so LWIAs need to be prepared for addressing worksite employers' overtime requests.

The overtime must be built into the project design of the disaster worksite, including budgeting for it and an agreement as to the procedures for allowing overtime. Specific overtime requirements and conditions might not be stated initially when the Worksite Agreement is developed with a worksite employer because there may not be an identified or anticipated need at that time. When specific DRE overtime needs are not known, general language addressing DRE overtime must be included in the Worksite Agreement, such as: *DRE overtime is not allowed without prior written approval of the Workforce Agency, consistent with the Agency's written DRE overtime policy and procedures, including the requirement that the worksite's regular employees are also working overtime on the disaster effort and that DRE workers have adequate supervision.*

- When evaluating the need for overtime, LWIAs should explore other staffing solutions, including the worksite employer handling the additional workload or alternative work schedules of DRE workers, for example, can additional DRE workers be hired to do the work so overtime is not needed (and additional dislocated workers can benefit from temporary employment), or can DRE work schedules be staggered to address the identified need.

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Q: *What is needed to document the overtime approval?*

A: Overtime approval must be documented in the Worksite Agreement, the DRE participant record (case notes or participant file), and in any other manner stipulated in the LWIA's DRE overtime policy and procedures.

- The Worksite Agreement template includes general language about DRE overtime; however, an LWIA may go further and outline the situations when overtime may be approved. This explanation should document the approval conditions including the requirement that non-DRE workers are also working overtime on the disaster and that adequate supervision is provided.
- The LWIA career planner must document in a case note or intake and assessment record the DRE participant's willingness to work overtime.
- LWIAs are responsible for the management and oversight of DRE overtime, including ongoing tracking, reporting, and monitoring of overtime, consistent with their DRE overtime policy and procedures. This includes ongoing tracking of budget implications, ensuring projects are not overspent.

Q: *Do LWIAs need written procedures for approving overtime requests?*

A: Yes. LWIAs choosing to allow overtime for DRE workers must have written procedures for approving and managing overtime. The LWIA's DRE overtime policy and procedures must be shared with and agreed to in writing by DRE worksite employers. LWIAs should consider the following questions as they manage and oversee overtime requests from a worksite employer:

- Are the worksite's regular employees also working overtime to impact the disaster? (DRE workers cannot be the only ones working overtime to impact the disaster.)
- Which positions/job titles at the worksite are being considered for allowable overtime?
- Why is overtime necessary for those identified positions?
- When or how often will overtime be necessary so that the LWIA can determine the magnitude of the request, including the impact on the budget?
- How will DRE workers working overtime be supervised so that there is ongoing adequate supervision?

Q *Does DCEO need to approve the LWIA's DRE overtime policy and procedures and individual overtime requests?*

A: LWIAs must submit draft DRE overtime policy and procedures to DCEO for review and comment. Individual overtime requests do not need to be submitted to DCEO for approval; however, LWIAs may be asked to report DRE overtime activity in a project summary report.