

How to discipline employees for working unauthorized OT

Hourly employees know that if they work overtime, their employer must pay them for the extra hours. That's true, but it doesn't mean they can work OT whenever they feel like it. Here's how to end unauthorized overtime:

Make clear—in writing and face-to-face discussions—that employees can only work overtime authorized in advance by a supervisor. Explain the consequences. Document those communications.

Then hand out discipline equally to those who don't follow directions. You can't refuse to pay them for the nonapproved hours. If a reprimand doesn't get the message across, try a suspension ... or even termination.

Recent case: Newspaper employee Lisa Ritchie was an hourly employee who regularly put overtime hours on her timecard even after being told she could not. The newspaper paid for the extra hours, but fired her for breaking the rules.

Ritchie sued, alleging that entering the hours on her timecard was protected activity and firing her was retaliation.

The court didn't buy her argument. It reasoned that if employers weren't able to discipline employees for working unapproved hours, it would remove any leverage the employer had to order no overtime. (*Ritchie v. St. Louis Jewish Light*, No. 10-1356, 8th Cir., 2011)

Note: Employers can't turn a blind eye to workers who work extra hours—even if they don't mark it on their timesheets. That's why you should have a specific policy on overtime work (see *box below*) and make sure supervisors understand it and follow it.

Sample policy: Overtime

"Overtime must be approved by your supervisor in advance and should be included on the time sheet in your total hours worked. XYZ retains sole discretion to determine when employees must work overtime. All nonexempt employees will be paid at one and a half times their base hourly rate for any work performed over 40 hours per week."