

A woman with dark hair tied back, wearing a white button-down shirt, a red bow tie, and a blue apron, is working at a coffee machine. She is looking down at a cup she is holding. The background shows a professional kitchen setting with various coffee-making equipment and shelves with white cups.

NM

Nathaniel Miller

# Colorado Overtime Complaints: Basics for Calculating Overtime

## Introduction

When you receive a complaint about incorrect overtime pay, you must first use the documentation provided by the employee filing the complaint.

This lesson will guide you through the legal definitions of overtime so that you can establish whether and how much overtime is legally owed to the employee.

## Learning Objectives

- Correctly define "workday" and "workweek" according to the legal definitions used in complaints
- Identify, based on the relevant rules, when overtime is due
- Use simple Excel formulas to simplify overtime calculations



The legal definition of "workday" and "workweek" may be different than your everyday or common sense definitions. Have a look at the wording of the law.

## Workday and Workweek Definitions

7 CCR 1103-1, Rules 1.12 and 1.13 of the Colorado Overtime and Minimum Pay Standards Order (COMPS Order) #38 defines what a **workday** and **workweek** are.

Rule 1.12 “**Workday**” means any consecutive 24-hour period starting with the same hour each day and the same hour as the beginning of the workweek. The workday is set by the employer and may accommodate flexible shift scheduling.

Rule 1.13 “**Workweek**” means any consecutive set period of 168 hours (7 days) starting with the same calendar day and hour each week.

Sort the following definitions of days and weeks into either the "legal" definition you just saw or the "common sense" definition.

A light gray rectangular area with a dashed border, intended for sorting definitions.

### Legally Speaking

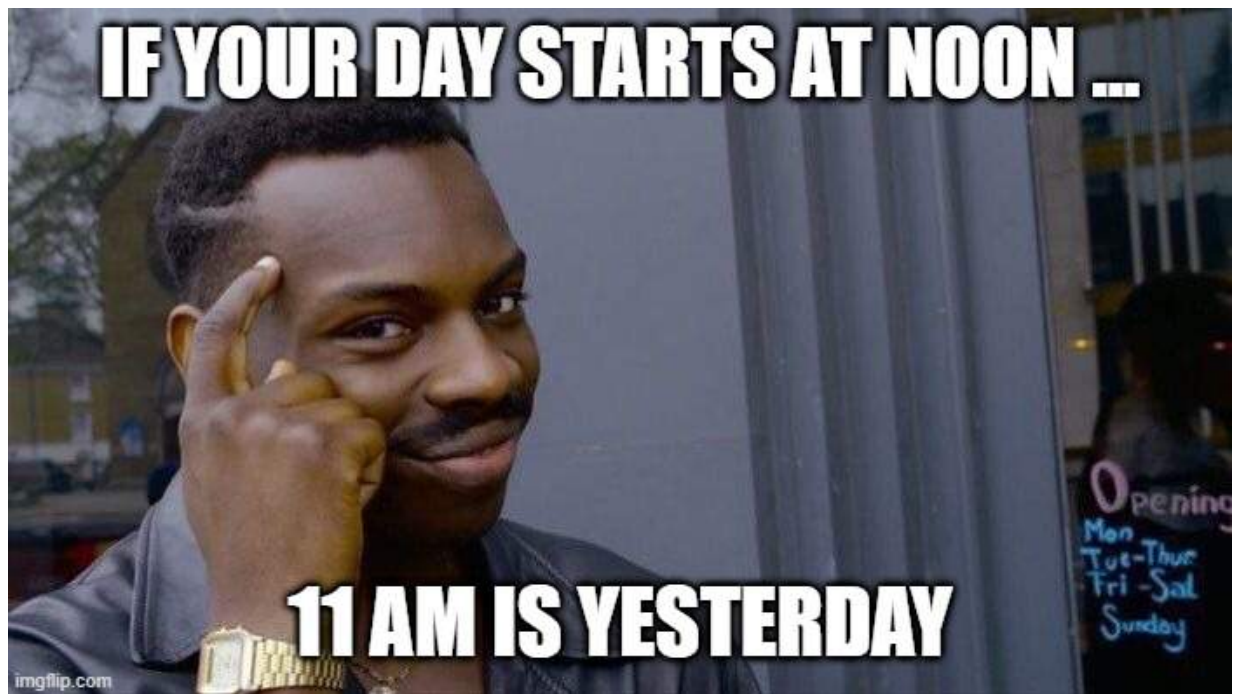
**Day:** a 24-hour period starting at the same hour each day

**Week:** a consecutive period of 168 hours (7 days) starting on the same day.

### Common Sense

**Week:** begins Sunday at 12:00 AM and ends Saturday at 11:59 PM

**Day:** begins when the sun rises, ends when it sets




---

The Roll Safe meme is right.

When you process an overtime complaint, make sure that you're counting hours worked from the beginning of the workday and workweek as defined by the employer for that workplace.

---

-  Pay particular attention to the difference between Rules 2A, 2B, and 2C to see what qualifies as overtime in the legal definition of overtime wages below.

# Overtime law

7 CCR 1103-1, **Rule 4.1** of the Colorado Overtime and Minimum Pay Standards Order (COMPS Order) #38 provides direction on overtime regulations for eligible employees.

Rule 4.1 Overtime Wages: Employees shall be paid time and one-half of the regular rate of pay for any work in excess of any of the following, except as provided in exemptions or variances in

**Rule 2: (A) 40 hours per workweek; (B) 12 hours per workday; or (C) 12 consecutive hours without regard to the start and end time of the workday.**” It also states that, “whichever of the three calculations results in the greater payment of wages shall apply in any particular situation.”

Flip the flashcards to help Jack, Saida, and Imani figure out how much overtime they are owed.

Jack, a nurse, worked 42 hours during the workweek, 8 hours a day Monday through Thursday and 10 hours on Friday. How many overtime hours did he work?

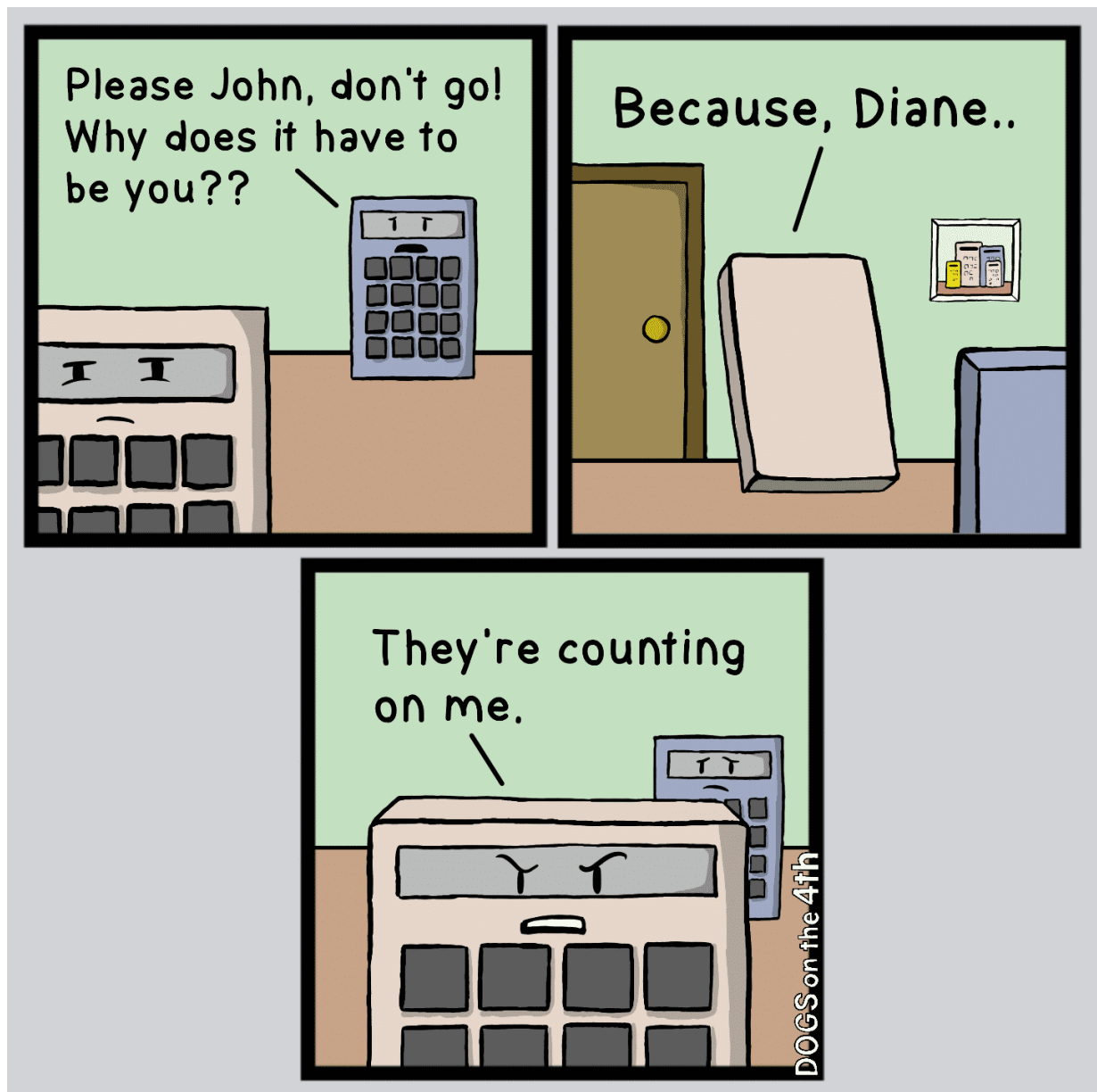
He worked 2 hours of overtime per Rule 2 (A):  $42 - 2 = 2$  hours

Saida, a sous-chef, worked 32 hours this week in two 16-hour shifts. How many overtime hours did she work?

She worked 8 hours of overtime. Each of her two 16-hour shifts exceeds the 12 hours of Rule 2 (B) by 4 hours:  $2 \cdot (16 - 12) = 8$ .

Imani, a tractor repairperson, worked last night from 8 PM until 8:30 AM this morning. Her workweek ended last night at midnight. How many hours of overtime did she work?

She worked a half hour of overtime because her shift lasted 12.5 hours ( $12.5 - 12 = .5$  hours). Even though her workweek ended during her shift, per Rule 2 (C) she is entitled to overtime for working more than 12 hours continuously.



It's important not to make mistakes when calculating overtime.

---

## Next Up: Calculating Overtime with Excel

Now let's look at a more complex case. We can simplify our calculations and reduce the chance or error by using a few simple formulae in Excel or Google Sheets.

TBC ...