

Overtime and Compensatory Time

Updated: 7/08/2016

Purpose

To describe the process and requirements for eligible employees earning overtime and state compensatory time.

Policy

The University will comply with the Federal Fair Labor Standards Act (FLSA) and applicable State laws governing minimum wages and overtime pay. All employees are classified as “exempt” or “non-exempt” under applicable legal tests. “Exempt” employees are not subject to minimum wages and overtime pay provisions of the FLSA. “Nonexempt” employees are subject to the wage and hour provisions. Under the FLSA, most non-exempt employees must be paid: 1) at least the federal minimum wage and 2) time and one half (1 1/2) the employee’s regular rate of pay for all hours worked in excess of forty (40) hours in a workweek.

Procedures

OVERTIME:

A classified, non-exempt employee is eligible to receive authorized overtime by meeting the following requirements:

- Submitting a time sheet that reflects actual hours worked by the classified, non-exempt employee.
- The Department and Payroll Office are responsible for ensuring that Classified non-exempt employees’ are paid time and one-half (1 1/2) of their regular hourly rate for overtime when proper documentation and authorization is submitted.

Authorized overtime worked by **Classified non-exempt** employees will be compensated at the discretion of Director/Manager by using one of the following methods:

- Pay for the overtime worked at the rate of time and one-half (1 1/2) their regular hourly rate for each hour worked in excess of forty (40) in a workweek.
- Grant time off (Compensatory Time) at the rate of time and one-half (1 1/2) for each hour worked in excess of forty (40) in a workweek.
- If Compensatory time is not taken within a 120 day period, the department must pay the employee.

Employees designated as Classified Exempt are exempt from the overtime provisions of the FLSA. However, a Classified exempt employee may be allowed approved compensatory time off for authorized hours worked in excess of forty (40) in a workweek. If compensatory time off is afforded, it must be during the 12-month period following the end of the workweek in which the overtime was accrued, at a rate not to exceed equivalent time. For Classified exempt personnel, the authority to approve compensatory time off is delegated to the respective Vice President. As a general rule, Classified Exempt employees’ hours are only recorded when keeping track of used sick or vacation leave.

Administrative and Professional (A&P) employees are not eligible to earn overtime. This classification is considered exempt under FLSA.

In all cases, departments must maintain adequate records of all hours worked (including overtime/compensatory time worked by non-exempt employees). Both employees and their Director/Manager are accountable for the accuracy and completeness of time records.

It is the University's intent to limit overtime work to activities that cannot otherwise be performed during the regular workweek schedule. However, in order to meet customer and business needs, it may be necessary to require overtime work for both exempt and non-exempt employees. When overtime is required, Directors/Managers will provide as much notice as possible to the employee's required to work.

Directors/Managers do have the ability to apply an adjusted or modified work schedule to avoid paying overtime or compensatory time. They may adjust the hours of some staff during the week in order to cover an event or training that needs to transpire during the weekend.

COMPENSATORY TIME:

Eligible classified employees can receive compensatory time if they meet certain requirements. In some cases, A&P employee can also earn compensatory time if certain requirements are met.

Holiday Compensatory Time:

All full-time employees regardless of FLSA status who must work on a University observed National or State Holiday or during a skeleton crew day will be allowed compensatory time off during the twelve-month period following the date of the holiday worked. Compensatory time will be granted based on one (1) hour of compensatory time for each hour worked on a Federal or State Holiday. Holiday compensatory time not used within the allotted twelve-month period will be lost.

State Compensatory Time:

Classified Non-exempt Employees:

Employees are allowed compensatory time off if the total number of hours worked and paid leave or paid holidays exceeds 40 in a week. State compensatory time is "straight" time or one hour for one hour. State compensatory time off must be used within 12 months of the end of the work week in which it was earned. Employees will not be paid for any unused state compensatory time earned in this manner.

Classified Exempt Employees:

An employee who is exempt from FLSA may, at the discretion of the University, be allowed compensatory time off for any hours recorded in excess of 40 during one work week. Work hours may be a combination of paid leave, holidays, and actual hours worked. State comp time must be used within 12 months of the end of the work week in which it was earned.

Administrative and Professional (A&P) employees

Administrative and Professional (A&P) employees are not eligible for compensatory time except for time worked on Federal or State Holidays or skeleton crew days observed by

the University.

The authorization to pay overtime or to earn compensatory time must be obtained in advance from the Director/Manager, with approval from the respective Vice President. Employees who work unauthorized overtime may be subject to progressive counseling up to and including termination of employment.

Applicability

Classified Staff, and Student Employees as required. Administrative & Professional (A&P) employees are eligible for holiday compensatory time if they meet certain conditions.

Responsible Party

Associate Vice President, Office of Human Resources