

Human Resources

Policy 40120

Compensatory and Overtime Leave Policy

1. Purpose:

- 1.1 To establish uniform procedures in compliance with the Fair Labor Standards Act for earning and accruals of compensatory and overtime leave.

2. Policy:

- 2.1 Non-exempt classified employees will be compensated either with compensatory or overtime leave for hours reported in excess of 40 in the designated workweek. **The maximum cap on overtime leave accrual is 40 hours.** Any hour earned in excess of the cap will be paid at a rate of time and a half.

3. Definitions:

- 3.1 Designated workweek- Friday 12:01am to Thursday 12:00 midnight.
- 3.2 Compensatory Leave-leave that is granted on an hour-for-hour basis for hours reported but not physically worked in excess of 40 within a designated workweek. Compensatory leave expires 12 months from the time it is accrued. If not used, employees will be paid for any accrued hours when they leave employment.
- 3.3 Overtime Leave-leave that is granted at a rate of one and one-half hours of leave for every hour physically worked over 40 hours in any workweek. Overtime leave does not expire. If not used, employees will be paid for any accrued hours when they leave employment.
- 3.4 Exempt Employee-Exempt employees are exempt from the provisions of the FLSA governing overtime. Exempt employees may be eligible for compensatory leave, when authorized, for occasional, special circumstances or projects. (an example would be if a person is called in to the college after normal business hours due to an emergency or other unforeseen circumstances) An exempt employee who independently determines additional work time is necessary to complete his/her work assignments shall not receive additional compensation. (an example would be if a person stays later to complete an assignment which is a normal part of their duties)
- 3.5 Non-exempt Employee- Non-exempt employees are covered by the provisions of the FLSA and are thereby entitled to receive time and a half compensation for hours worked over 40 in a workweek and hour for hour compensation for hours reported but not physically worked over 40 in a workweek. Non-exempt employees may not voluntarily work overtime without prior approval from their supervisor.

4. Procedures:

- 4.1 All non-exempt employees are required to complete timesheets timely and accurately accounting for all reportable time, either work time, holidays or approved leave.
- 4.2 The requirement to work 40 hours does not include the time taken for lunch periods. The lunch period is unpaid time and regardless of its length cannot be included in the 40-hour work period.
- 4.3 For hours reported in excess of 40 it must be determined whether those hours are designated as compensatory or overtime leave.
 - 4.3.1 When an employee works beyond his or her work schedule, but works no more than 40 hours in that workweek, he or she will be granted compensatory leave. This may happen when a state holiday or an inclement weather has occurred or when an employee has taken paid leave. Compensatory leave must be used within 12 months of being earned.
 - 4.3.2 When an employee physically works in excess of 40 hours within the workweek, he or she will be granted overtime leave. Overtime leave does not expire. If it is not used then it is paid out when an employee leaves employment. Employees shall not accrue in excess of 40 hours of overtime leave. Any hour earned in excess of 40 will be paid at the appropriate time and a half rate.
5. All compensatory or overtime leave must be approved in advance by the supervisor or designee. Supervisors should provide a written explanation either on the timesheet or separate memo, documenting reason for the additional hours.
6. Timesheets indicating either compensatory or overtime leave must be approved by either a dean or vice president prior to submission to payroll.
7. It is expected that managers and supervisors will monitor leave balances and attempt to adjust schedules or workloads to prevent compensatory or overtime leave accruals. Current leave balances for any employee can be requested from the Human Resource Office.
8. When an employees compensatory or overtime leave balances exceed 20 hours, a meeting is required with the Supervisor, employee and HR representative to discuss the situation and potential remedies for avoiding further accumulations.
9. Once balances reach 30 hours, the Presidents Council representative and the College President, must be notified.

10. References

- 10.1. Fair Labor Standards Act (FLSA)
DHRM Policy Compensatory Leave- 3.10
DHRM Policy Overtime Leave- 3.15

11. Point of Contact

11.1 Victoria Waldron
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12. Approval and Revision Dates

12.1 Revision April 25, 2006
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