GEORGIA SOUTHERN UNIVERSITY

Overtime and Compensatory Time and Work Week

Area:	Salary Determination and Compensation	Number:	2210
Subject:	Overtime and Compensatory Time and Work Week	Issued:	7/2008
Applies To:	Non-Exempt Staff, Temporary Employees and Student Workers	Revised:	3/2017
Sources:		Updated:	
		Reviewed:	
Responsible Party: Associate Vice President for Human Resources		Page(s):	Page **1** of **3**

I. Purpose

To establish a policy for overtime and compensatory time for classified, non-exempt employees.
The federal Fair Labor Standards Act, as amended, establishes minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards and child labor restrictions for employees who are subject to its provisions. This document establishes University policy in areas not covered by the FLSA or in which the FLSA allows for alternative methods of compliance. The policy is not intended to conflict with or supersede any part of the FLSA. Since the FLSA takes precedence over this policy, any conflicts between the two will be resolved by complying with the federal requirements.

This policy ensures consistency with University System of Georgia policy, ensures compliance with the Fair Labor Standards Act, and affords appropriate flexibility as needed at the institutional level.

II. Policy Statement

Definitions:

These definitions apply to these terms as they are used in this policy.

Fair Labor Standards Act of 1938 (or "FLSA"): a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay, or provided compensatory time-off in the case of government employees, for all hours **actually worked** in excess of 40 hours in a single work week. **Paid leave taken during the week is not considered hours worked in calculating overtime or compensatory time.**

Compensatory Time: FLSA authorizes a public agency to provide compensatory time (comp time) off in lieu of monetary compensation, at a rate of not less than one and one-half (1.5) hours for each hour worked over 40 hours in a workweek.

Over time: Time worked by a non-exempt employee above the normal forty (40) hour workweek.

Workweek: A seven (7) day period in which the required working hours for full-time employees equal forty (40) hours, with distribution of such hours during the workweek a matter of scheduling left to the individual institutions.

Non-exempt employees: Employee who are covered by or subject to the minimum wage, overtime and recordkeeping provision of the Federal Fair Labor Standards Act (FLSA).

Exempt employees: Employees who, are not subject to the FLSA minimum wage, overtime requirements of the law. Exemptions from the law are narrowly defined and the employer must prove that the exemptions rules apply. Reference DOL Fact Sheet 17.
https://www.dol.gov/whd/overtime/fs17a_overview.htm

All non-exempt university employees are covered by the Act. Additionally, exempt employees are subject to the record-keeping and equal pay requirements of the Act.

This is the policy statement.

1. The University has responsibility to minimize overtime work to the extent possible.

2. Employees eligible for overtime/compensatory time must maintain a record of the total hours they work each day. Reported time must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures and meal breaks, and should regularly be submitted for verification and approval.

3. For the purpose of calculating the number of hours in a single work week, the workweek shall begin at 12:01 a.m. on Saturday and ends at 12:00 a.m. on Friday. The regular working day for most non-exempt employees begins at 8 a.m. and ends at 5 p.m. Monday through Friday. The University retains the right to schedule its employees; however, the University will make a good faith effort, whenever practical, to provide employees with consecutive hours in the workday and consecutive days in the work week.

4. Time off for holidays, paid leave and compensatory time are not counted as hours worked in calculating overtime payments.

5. Off duty time meals is not counted as hours worked for purposes of calculating overtime/compensatory time.

6. Overtime/compensatory time must be calculated for each work week. Hours cannot be averaged over two or more weeks.

7. Employees are prohibited from performing any "off-the-clock" work, which means work performed, but unreported, in time management.

8. Employees must be compensated for all hours worked for the employer. Employees should review and approve their electronic time sheet. They should also review their pay check and verify correct pay for all regular and overtime/compensatory time worked each workweek. It is a violation of policy to falsify time records, or for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. Any violation of this policy should be reported immediately to the Human Resources Department. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action up to and including discharge.

9. Overtime/compensatory time work shall be authorized for non-exempt employees only when the work is deemed necessary and is approved by the Divisional Vice President. The department head will receive the prior approval. Supervisors are responsible for organizing

the work of non-exempt employees so that overtime/compensatory time is rarely required. If required overtime/compensatory time is approved, it must be communicated to the employee in advance so that the employee has time to make alternate arrangements, if necessary. If an employee does not work required overtime/compensatory time, this action may lead to disciplinary measures up to and including termination.

10. Employees are prohibited from working overtime/compensatory time unless a supervisor has received authorization by the Division Vice President in advance. Working unapproved overtime/compensatory time may result in disciplinary action up to and including termination of employment.

11. Approved compensatory time is subject to a 240-hour maximum accumulation.

12. All compensatory time balances on record as of May 31 must be paid out no later than the final biweekly pay period in June each fiscal year. Such payment shall be at the employee's regular earnings rate at the time the payment is made. Employees who have reached the compensatory time maximum must receive time and a half payment for any additional overtime.

13. Compensatory time earned in June will carry forward into the upcoming fiscal year.

14. When an employee is changed from a non-exempt to an exempt position, all accrued compensatory time will be utilized or paid before the change takes place.

15. Employees terminating from the University or transferring to a new department will receive a compensatory time payout from the department in which they earned the compensatory time. The payout will be at the employee's current rate of pay.

16. Employees should be permitted to use compensatory time within a reasonable period if the use does not disrupt the University's operations.

17. Employees are required to utilize or exhaust accrued compensatory time prior to using other leave (including annual). The University may consider an exception to this provision at the end of a calendar year if an employee needs to use accumulated annual leave to reduce their annual leave balance to 360 hours by December 31 to avoid forfeiture of hours over 360. Managers are, however, expected to manage employee leave proactively during this calendar year to reduce if not eliminate this scenario.

IV. Procedures (if applicable)

1. Time worked must be recorded through Georgia Southern University's e-Time system.
2. Travel time for non-exempt employees is addressed in a separate policy.
3. All overtime, unless in an emergency situation, and compensatory time must be pre-approved by an employee's respective Vice President before the employee works the time.