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Subject: Chapter 2 BUSINESS--VP FOR BUSINESS
Section 5.04 OVERTIME PAY

I. PURPOSE

To establish and outline the College's policy on overtime pay.

II. REFERENCES

- A. Personnel Policy No. C2S03.04, "Hours of Work/Telephone Coverage".
- B. Personnel Policy No. C2S05.03, "Requirements of the Fair Labor Standards Act".
- C. Personnel Policy No. C2S02.01, "Employee Definitions and Categories".

III. DEFINITIONS

- A. Exempt Employee. An individual in a classification not subject to the overtime provision of the Fair Labor Standards Act. Included are those generally found in the Faculty and Administrative employee categories.
- B. Non-Exempt Employee. An individual in a classification subject to the overtime provision of the Fair Labor Standards Act.
- C. Standard Work Week (for non-exempt employees). Saturday, midnight to the next Friday midnight with starting and stopping times designated in Personnel Policy No. C2S03.04, "Hours of Work/Telephone Coverage."
- D. Overtime Pay--Non-exempt Employees. Work in excess of a standard work week paid at a time and one-half rate.
- E. "Compensatory Leave Time". Time away from work provided to non-exempt employees as a result of service in excess of the standard work week and is taken at the time and one-half rate.

IV. POLICY

The College discourages overtime work for non-exempt employees. Overtime will be permitted in exceptional circumstances when properly authorized. The College complies with the overtime provision of the Federal Fair Labor Standards Act (FLSA) and the College FLSA policy, Personnel Policy No. C2S05.03.

V. PROCEDURE

- A. Overtime Work. Overtime work must have prior approval from the appropriate supervisor responsible for the department budget. Non-exempt employees will not be permitted to remain at their designated work station after work hours without prior approval. Overtime work includes work required by the supervisor even though it isn't similar to the regular assignment.
- B. Standard Work Week. Overtime is computed on the basis of a standard work week. Because each work week stands alone, the number of hours worked over two or more weeks cannot be averaged. For computing overtime, the work week begins at 12:01 a.m. Saturday and ends at 12:00 p.m. the following Friday. An exception is permitted for the Security Department. They may use up to a 28-day standard period for overtime calculations.
- C. Overtime Pay. Non-exempt employees will be paid at straight time for hours actually worked during the standard work week. Those who work in excess of the standard work week will receive overtime pay at the rate of time and one-half (1 1/2) of their regular rate of pay if they don't take compensatory leave time. The College's obligation comes whether approved or not by the supervisor. However, it is appropriate when overtime is required that the work week be adjusted by reducing hours of work required on another day of the same week whenever possible. If this is done, it must be with mutual knowledge of the employee and the supervisor. Adjustments in the same week are paid regular rates. Adjustments in subsequent weeks are paid at time and one-half rates.
- D. Compensatory Leave Time. When non-exempt employees work in excess of the standard work week, it is preferred they be given compensatory leave time. Guidelines:
1. Employees should take compensatory leave time within 90 days or be paid at the overtime rate.
 2. Employees should take compensatory leave time before termination. If not, they must be paid for this time.

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3. An employee's compensatory leave time cannot exceed 60 hours (40 hours of overtime work multiplied by 1.5). Overtime worked above the 60 hours will require payment at the time and one-half rate.
 4. Employees must take compensatory leave at the time and one-half rate of overtime worked.
 5. As an employee earns "Compensatory Leave Time", the supervisor must fill out a College Compensatory Leave Time Earned Report. It must be approved by two levels of supervisors and forwarded to the Payroll Office on a weekly basis.
 6. When employees take compensatory leave time, they must complete the College Absence Record report, which the supervisor must sign and forward to the Payroll Office.
- E. Vacation and Sick Leave. Days absent from the job for vacation and sick leave are not to be counted as time worked for the purpose of computing overtime pay.
- F. Holidays. Days absent for paid holidays are to be counted as time worked in computing overtime pay. However, if a non-exempt employee is required by the College to work on a recognized College holiday, the supervisor may schedule another day off during the week in which the holiday occurs. If such an adjustment is not possible, the employee is entitled to receive regular compensation and an additional payment of holiday pay. This amounts to straight-time pay plus time and one-half pay for the holiday worked.
- G. Non-Exempt Determination. The College pays time and one-half overtime pay to non-exempt employees only. The Personnel Services Office is responsible for determining the exempt or non-exempt status of all positions and advising the supervisors as necessary.
- H. Joint Employment. When non-exempt employees perform work in two different departments, overtime work will be paid by the second department in which the overtime was worked. It will be based on the time and one-half rate of the primary department unless the second assignment is sporadic, occasional and at the option of the employee, i.e., volunteer work. An additional job with scheduled working hours is considered covered under the overtime rule and paid at the overtime rate of time and one-half.

- I. Volunteer Work. When non-exempt employees perform volunteer work at the College, it may require overtime pay/compensatory leave time:
 - 1. If it is similar work and exceeds the standard work week (regardless of the employing department), employees must be paid at the time and one-half rate or be given compensatory leave time.
 - 2. If it is not clearly similar work, and is not required by the supervisor, it is volunteer work without pay as long as it is performed at the employee's free will.
- J. Recordkeeping. All departmental and College pay records must be accurate, complete, and retained for a minimum of three years.
- K. Reporting. Quarterly reports showing overtime payments are prepared by the Payroll Office for the vice presidents review. An annual report will be reviewed by the President.