

Compensatory Overtime Guidelines for Exempt and Non-Exempt employees

(subject to change)

Exempt /Non-Exempt status under the Fair Labor Standards Act (FLSA)

The FLSA provides an Exemption from overtime pay for employees in executive, administrative, and professional positions. To qualify for Exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis no less than \$455 per week. Job titles do not determine Exempt status. In order for an Exemption to apply, an employee's specific job duties and salary must meet all the requirements of the FLSA regulations. Determinations will be made by the Office of Human Resources (HR). (Exempt employees: submit leave reports; Non-Exempt employees: submit timesheets)

The workweek

The minimum full-time workweek for the College shall be 37.5 hours. Employees will **not** receive compensatory (comp) time for hours worked between 37.5 and 40 hours per work week. Workweek begins at 12:01 am on Sunday and ends at 12 midnight on Saturday.

Add pay contracts

Employees who have add-pay contracts to prepare and teach EDLS 100, TEDU 205, or other courses cannot count the time they spend teaching and preparing these assignments toward their work hours.

Adjusted Workweek

Under warranted circumstances, a Non-Exempt employee may be required to work in excess of the normal workday and may be given time off during the same workweek at the rate of an **hour for an hour** to avoid working over 40 hours during any workweek. This adjustment is not allowed for hours worked between 37.5 and 40 hours during any workweek. This type of work rescheduling is undertaken to avoid working over 40 hours in a work week and eliminates the need for overtime payment.

Compensatory overtime rates

- Non-Exempt employees are granted compensatory time at a rate of 1.5 hours for each hour of overtime worked. Upon a non-exempt employee's termination, any unused comp time will be paid out as overtime. The department is responsible for covering the cost of the overtime payout.
- For Exempt employees, if authorized and considered beyond "casual overtime," it must be at a rate of 1 hour of compensatory time for each hour worked in excess of 40 in the official workweek.

Record-keeping

- For Non-exempt employees: Comp time must be scheduled and approved in advance of the additional time worked. Comp time hours worked and taken for non-exempt employees are recorded online through the HR timesheet system.
- For Exempt employees: Comp time accumulation is not recorded in HR, but instead in the employee's department.
- Taking comp time should be approved in advance (either via email or using the REQUEST FOR LEAVE form)
- For Exempt employees: Even though comp time that is accumulated is not recorded on the HR leave report, comp time used should be recorded in both the online leave report submitted to HR and the employee's departmental comp overtime record.

Academic Experience Compensatory Overtime Guidelines

- AEX Directors are responsible for knowing and understanding the relevant guidelines and policies reviewed here. Each Director retains the flexibility necessary to apply the policies as appropriate in each department and assumes responsibility for required record keeping.
- AEX Directors should review comp overtime guidelines with new employees and communicate their expectations regarding work outside normal hours.
- AEX Directors are expected to keep a copy of current comp time records for their employees and have records readily available should they be requested in case of an audit.
- Exempt employees who have earned comp time are encouraged to use it during the semester in which it was earned. Upon termination of employment, exempt employees shall not be paid for unused comp hours.
- The College of Charleston overtime policy explains that Exempt employees work expectations include "casual overtime." *"Casual overtime" refers to time worked in excess of 40 hours in a work week which the employee believes is necessary to accomplish an assignment or task, although the hours worked are not specifically required by the supervisor and/or department head. "Casual overtime" is not compensable through monetary compensation or compensatory time. On those occasions when it becomes necessary for a supervisor and/or department head to require an Exempt employee to work excessive hours on a given project or event, the supervisor may authorize compensatory time."* In Academic Experience, supervisors may approve compensatory overtime when an Exempt employee has been asked to present at a conference on a weekend or work an event or work on an unexpected short term project.

FOR A COMPLETE COPY OF THE COLLEGE OF CHARLESTON HOURS OF WORK AND OVERTIME POLICY PLEASE REFER TO:

<http://hr.cofc.edu/policies/assets/policies/hours-of-work-overtime-policy-12.11.pdf>