

SECTION 400.16

OVERTIME AND COMPENSATORY TIME

The Human Resource Director will determine whether employees are exempt or non-exempt from the overtime pay requirements of the Fair Labor Standards Act. The determination of status as exempt or non-exempt is made at the time duties are assigned or when the assignment of duties for a position changes.

**Exempt Employees**

Overtime provisions are not applicable to exempt employees as identified by federal wage and hour criteria. Supervisors may arrange time off in recognition of continuous or excessive required overtime for employees exempt from overtime. Exceptions must be documented in an email by the supervisor to the employee and given to payroll.

**Non-exempt Employees**

Non-exempt employees must be paid overtime for hours worked beyond the regular 40 hour work week. Overtime compensation at the rate of time-and-one-half shall be provided to all non-exempt employees when hours worked exceed 40 hours in a work week. Compensatory time is calculated at the rate of time-and-one-half in lieu of cash overtime payments compensation upon prior agreement. Upon approval, compensatory time may only be used in place of regularly scheduled work hours and shall not cause overtime. If there is no agreement, monetary compensation must be provided.

1. In establishing a forty-hour work week, annual leave, sick leave, official closings and holidays shall be counted as hours worked. Annual leave, sick leave, other forms of paid leave, and compensatory time shall not be counted for overtime purposes.
2. A non-exempt employee called back for emergency service after completing his/her regular day's work shall receive compensation at the rate of time-and-one-half. Guaranteed minimum pay for call-back to a work site when required will be two hours at the rate of time-and-one-half and guaranteed minimum pay for call-back when return to the work site is not required, for example, when services are provided from home by telephone, is fifteen minutes at the rate of time-and-one-half. Temporary employees shall be paid at the rate of time-and-one-half for hours worked in excess of forty hours per week.
3. Work which is not requested by a supervisor, but is permitted, must be counted as hours worked. Failure to secure approval to work overtime may subject an employee to disciplinary action up to and including termination of employment.
4. When an employee is given a work assignment in a secondary location requiring travel time, such travel time is counted as time worked.
5. Compensatory time may be accrued for any length of time but may not exceed 40 hours. When 40 hours are reached, further overtime is paid via payroll. Division directors may limit the accumulation of compensatory time to less than 40 hours and may require that all

compensatory time earned be taken within a certain time frame, such as the same month or following the month that it is earned.

6. A non-exempt employee who has accrued compensatory time must, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than the average regular rate received by that employee during the past three years of employment or the final regular rate received by the employee, whichever is higher as required by FLSA.
7. Overtime and compensatory time must be recorded in the Time and Labor Management system in Employee Self-Service. Compensatory time will be tracked through payroll in the same manner as annual and sick leave.

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### **History**

Administrative Council approved 400.16

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