

**Florida A & M University
Office of Human Resources**

INTERNAL OPERATING PROCEDURE

Procedure No. HR-2005

Subject: Overtime and Compensatory Time	
Authority: Rule 60L-34.0031 Florida Administrative Code; 110.201, 110.219(5) Florida Statutes; Fair Labor Standards Act (FLSA)	Effective Adopted Date: 02/1/2006
Revision(s)	06/27/1996; 02/01/2006; 02/01/2007; 1/26/2017; 8/16/2019; 1/28/20
Related References	
Purpose	To establish guidelines to comply with Federal and State laws regarding overtime and compensatory time.
Signature of Approving Authority	

1.0 Overview

The University complies with the provisions of the Fair Labor Standards Act (FLSA) applicable to public employers and educational institutions. In an effort to assure compliance with the FLSA, the University has established this operating procedure to achieve consistent administration of pay among all campuses.

2.0 Definitions

- A. **Exempt** – An employee in a position not subject to the overtime provisions of FLSA. Exempt employees' primary duties and functions are of an executive, professional, or administrative nature.
- B. **Non-exempt** – An employee in a position deemed non-exempt by the FLSA and, therefore, subject to the overtime provisions of the FLSA.
- C. **Workweek** – As defined by Florida Agricultural and Mechanical University System, for the purposes of overtime and compensatory time for non-exempt employees, the period beginning at 12:01 a.m. on Friday and extending through the seven-day period ending at midnight on the following Thursday. Refer to collective bargaining agreements for exceptions to the standard workweek.
- D. **Hours Worked** – Only actual hours of work and call back time are used for the calculation of overtime. Paid absences such as annual leave, sick leave, holiday, and compensatory leave are not hours worked for the purposes of calculating overtime and therefore will be paid at a straight time rate.
- E. **Overtime pay** – Cash payment for time actually worked in excess of 40 hours in the standard workweek by a non-exempt employee. Overtime compensation is at the rate of one and one-half (1.5) times the employee's regular rate of pay for all overtime worked.

3.0 Guidelines

- Non-exempt employees will be paid for overtime work or compensated with overtime compensatory leave. USPS exempt employees required to work more than 40 hours in a workweek are eligible to earn regular compensatory leave on an hour-for-hour basis. Part-time USPS exempt employees required to work more than their FTE are eligible to earn regular compensatory leave on an hour-for-hour basis.
- Exempt employees are required to work whatever hours are necessary to satisfactorily accomplish the job; the acceptance of such a requirement is a condition of employment for personnel employed in those positions.
- All overtime and extra hours must be **authorized in advance** by the immediate supervisor. USPS exempt and non-exempt employees may not make unauthorized decisions to work overtime or extra hours.
- At the supervisor discretion or other appropriate authority, the employee may be required to use any part of accrued compensatory time at any time deemed advisable. Employees who have accrued compensatory time may be required to use such leave before using annual leave.
- Supervisor must be familiar with the terms of the applicable Collective Bargaining Agreement related to overtime, compensatory time, hours worked and time reporting.
- Supervisor is responsible for tracking overtime and compensatory hours. Employee is responsible for adhering to all policies and procedures.
- Please ensure employees are provided with a time tracking mechanism (time card, electronic time-keeping system, time sheet). Review and approve time on a weekly basis. Correct any erroneous or missed entries in a timely manner.
- If you discover that overtime or compensatory time was reported but not pre-approved, you should address it as a policy violation which may lead to disciplinary action(s). However, you must still pay the time as time worked, regardless of whether pre-approval was granted.
- If you know or have reason to believe that an employee worked more than the hours they reported (whether overtime or not), you should address it as a policy violation which may lead to disciplinary action(s). However, you must still pay the time as time worked, regardless of what they reported.
- When an employee works on multiple appointments, the appropriate supervisors are responsible for ensuring the total hours worked in a workweek are monitored and the employee is compensated in accordance with this operating procedure.
- Supervisor must provide as much advance notice to the employee(s) of the need to work overtime as is practicable.
- Department/Supervisor must retain records of time sheets and other records created per this operating procedure for at least three years.
- Compensatory leave is paid out biannually through the Office of Human Resources.

4.0 Overtime

All overtime eligible employees should be paid in the form of compensatory time or overtime pay for hours worked over 40 during a work week. Paid leaves and/or holiday taken are not counted as hours worked for purposes of determining overtime hours. Only hours actually worked during that workweek are counted. Temporary employees are not eligible for compensatory time but are eligible for overtime pay when hours worked exceed 40 in a workweek.

5.0 Adjusting Workweek and/or Leave Use to Minimize Overtime or Additional Hours

When an employee works in excess of his/her normal scheduled hours for the workday or who works on his/her regular day off should, whenever possible, have another work day in the workweek reduced so that he/she is compensated for only 40 hours for the workweek. The adjustment must be approved by the supervisor.

When approving an employee's request for leave, the supervisor may approve the employee's absence but should not approve a specific number of hours of leave to be used. Therefore, at the end of the workweek during which the absence occurs, the supervisor approves only the actual number of hours of compensation up to 40, with additional hours of absence considered non-work hours.

6.0 Compensation for Overtime – Non-Exempt Employees

Compensation to non-exempt employees for overtime shall consist of either the following:

- Overtime Compensatory Leave at the rate of one and one-half times for each overtime hour worked, with a maximum accrual of 80 hours.
- Cash payment for the hours in excess of 40 at the rate of one and one-half time their regular rate of pay for the pay period during which it was earned.
- Non-exempt law enforcement employees are paid time and one-half for all hours worked more than 80 in a two-week period.

When the non-exempt employee is granted compensatory time under FLSA for overtime work, the following guidelines apply:

- An employee receiving compensatory payouts biannually, will be allowed to accumulate a maximum of 80 hours. Once the employee reaches the maximum accrual, all overtime hours must be paid until overtime compensatory leave balances drop below the 80-hour maximum.
- Allow the employee to use compensatory leave to cover leave of absences.
- Accrued overtime compensatory leave must be paid upon separation from the University or promotion to an ineligible salary plan.
- Employees transferring within FAMU may be allowed to keep their accrued overtime leave balances, provided the new department will accept the leave liability. In cases where this is not practicable, the leave balance will be paid out.

7.0 Compensation for Overtime – Exempt Employees

Compensation to exempt employees for overtime shall consist of either the following:

- Regular Compensatory Leave on an hour-for-hour basis in an amount equivalent to the actual time worked in excess of 40 hours in the workweek, with a maximum accrual of 240 hours.

When the non-exempt employee is granted compensatory time under FLSA for overtime work, the following guidelines apply:

- An employee receiving compensatory payouts biannually, will be allowed to accumulate a maximum of 240 hours. Once the employee reaches the maximum accrual, all hours worked over 40 must be paid until regular compensatory leave balances drop below the 240-hour maximum.
- Allow the employee to use compensatory leave to cover leave of absences.

- Accrued regular compensatory leave will be forfeited upon separation from the University or the pay plan.
- Employees transferring within FAMU may be allowed to keep their accrued regular leave balances, provided the new department will accept the leave liability. In cases where this is not practicable, the leave balance will be paid out.

8.0 Multiple Job Assignments

All employees must provide proper notification to their immediate supervisor prior to working an additional job on-campus. All hours worked on the additional job may require payment of overtime. The hours worked in excess of 40 hours in a workweek, in combination with his/her first and additional job, will be paid in accordance with FLSA procedures. See chart below:

<u>1st Job FLSA Status</u>	<u>2nd Job FLSA Status</u>	<u>Overtime Payment</u>
EXEMPT	EXEMPT	NO
EXEMPT	NON-EXEMPT	NO
NON-EXEMPT	EXEMPT	YES
NON-EXEMPT	NON-EXEMPT	YES

Departments will be responsible for monitoring the work hours of employees working multiple assignments. Departments need to be mindful wherever the hours in excess of 40 hits that department will be responsible for payment of overtime.

9.0 On-Call Pay

Unless otherwise provided in an applicable collective bargaining agreement, when an employee is on-call and is called back to the assigned or other designated work location beyond the employee's scheduled hours of work for that day, the employee shall be credited with actual time worked or a minimum of two hours of work, whichever is greater. Only the actual time worked during the call back shall be counted as hours worked for the purposes of computing overtime compensation.

10.0 Official University Travel

Travel to and from an employee's home to the employee's office cannot be counted as hours worked. If an employee is required to attend a meeting or conference, or otherwise work at an out-of-town location, this attendance or work is considered time worked.

Travel time on the first and last day of the event, whether or not such travel occurs during the employee's normal work schedule, is considered time worked.

If an employee is required to attend a one-day meeting or conference, or otherwise work at an out-of-town location, such attendance or work, including travel time to out-of-town meetings, conferences, and work locations, whether or not such travel occurs during the employee's normal work schedule, is considered time worked.

11.0 Violations

Violations of these procedures or fraud in connection with the payment or accumulation of overtime, compensatory time, regular compensatory time or special compensatory time will subject employees to discipline, up to, and including discharge from employment with the University.