

NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7291.0

FOR POLICY NUMBER: N/A

NON-EXEMPT COMPENSATORY TIME

1. PROCEDURE SUMMARY STATEMENT

To provide uniform guidelines for the accrual, use, and payment of compensatory time and to ensure conformity with the federal Fair Labor Standards Act (FLSA).

2. DEFINITIONS

2.1 Non-Exempt – employees who are subject to the wage and hour laws established by the Fair Labor Standards Act (FLSA). Employees defined as such must be paid at least the minimum wage determined by the US Congress or the states in which they work, whichever is higher. Non-exempt employees must receive overtime pay at the rate of one and a half times their regular rate of pay for each hour worked above forty (40) hours a week or must receive compensatory time.

2.2 Compensatory Time – or “comp time” is paid time off accrued by employees in lieu of immediate cash payment for working in excess of forty (40) hours per week. All compensatory time earned or taken must be pre-authorized by the employee’s supervisor.

2.3 Hours Worked – includes all time in which an employee is required to be on the employer’s premises, on duty or at a prescribed location to perform work.

2.4 Fiscal Year – the College’s fiscal year is July 1st through June 30th.

3. PROCEDURE

3.1 General

3.1.1 Compensatory time is time off granted in lieu of overtime pay for authorized overtime worked and earned when a non-exempt (hourly) employee works more than forty (40) hours during the College work week (Sunday through Saturday).

3.1.2 Non-exempt employees earn compensatory time at the same rate as overtime, 1.0 or 1.5 times the number of overtime hours worked.

3.1.2.1 Compensatory time 1.5 is earned when the time an employee actually works within the College’s work week exceeds forty (40) hours of actual time. Any paid leave or holidays are not considered hours worked in determining overtime or compensatory time at 1.5.

3.1.2.2 Compensatory time 1.0 is earned when the time an employee has not actually worked more than forty (40) hours within the College's work week, but the total hours worked plus hours of paid leave and holidays exceeds forty (40) hours.

3.1.3 Employees may request compensatory time off in lieu of compensation for the hours worked in excess of forty (40) hours. Approval of compensatory time off is at the discretion of the supervisor.

3.1.4 The supervisor has the right to decline compensatory time off, but must pay the overtime compensation earned for the period.

3.1.5 All compensatory time and overtime must be approved by the supervisor in advance of its accrual. If the immediate supervisor is unavailable to grant permission, the next level supervisor must be consulted for approval prior to the employee working in excess of forty (40) hours.

3.1.6 Supervisors may implement schedule changes within the work week to eliminate overtime.

3.1.7 Once the work week is completed and the overtime is earned, the supervisor may not flex the employee's future work schedules to eliminate the overtime.

3.2 Record Keeping

3.2.1 Compensatory time accrued or used shall be recorded and maintained on employee electronic timesheets.

3.2.2 The Payroll Department shall be responsible for maintaining the official records of compensatory time.

3.3 Accrual Maximums

3.3.1 Non-exempt compensatory time may be accrued up to forty (40) hours. (See 3.4.2 below)

3.4 Use and Payout

3.4.1 Compensatory time must be used before annual leave hours. Supervisors are able to view their supervisees' leave balances including compensatory time when approving electronic timesheets each pay period.

3.4.2 At the end of each fiscal year, accrued compensatory time shall be paid out to the non-exempt employee on the last payroll cycle of the fiscal year.

3.4.3 If a non-exempt employee with accrued compensatory time transfers to a non-exempt position in another department, the accrued compensatory time earned prior to the transfer shall be paid to the employee by the original department on

the next scheduled pay date following the transfer, unless the receiving department agrees to accept the accrued compensatory time.

3.4.4 If the employee transfers from a non-exempt position to an exempt position, the accrued compensatory time shall be paid to the employee on the next scheduled pay date following the transfer.

3.4.5 All unused compensatory time shall be paid to the non-exempt employee when they separate from the College, with the expense being paid by the College department where the employee last worked.

4. APPLICABILITY

4.1 All non-exempt, full time employees are eligible for the accrual, use, and payment of compensatory time as stated in these procedures.

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REVISION DATE(S): 05/28/2014

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SCHEDULE FOR REVIEW: 2024

DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE: Human Services

SPONSORING DIVISION/DEPARTMENT: Human Resources

RELATED PROCEDURES/ REFERENCE: none

PROCEDURE KEY WORDS: non-exempt; compensatory time; FLSA