



Policy Number: IV.21
Policy Level: Operating Policy
Originally Issued: October 8, 2018
Reviewed: January 15, 2021
Revised: November 19, 2021
Reviewed: December 4, 2023
Policy Owner: Vice President for Financial Affairs
Policy Implementation: CHRO/Assistant Vice President of Human Resources

OVERTIME AND COMPENSATORY TIME

I. Policy Statement and Purpose

Overtime and compensatory time are governed by the Fair Labor Standards Act and its implementing regulations. Neither employees nor the University may waive their rights or obligations under the Fair Labor Standards Act or agree to accept less or pay less than the required overtime rate or compensatory time earned. In order to be in compliance with the guidelines of the Fair Labor Standards Act, Athens State University establishes the following overtime and compensatory practices for non-exempt (permanent or temporary) staff employees.

Compensation for time worked during date(s) when the campus is closed (designated as CC on the University calendar) is also addressed in this policy.

II. Definitions

Work week/work cycle for all non-exempt employees is 40 hours per work week, measured from 12:01 a.m. Wednesday to 12:00 p.m. the following Tuesday.

Overtime for non-exempt employees is any time worked in excess of 40 hours in a seven-day work cycle. Overtime does not result until after 40 hours have been exceeded in a work cycle.

Campus Closed (CC) – Dates designated as CC on the official University calendar.

III. Compensation Options

Regular duties and responsibilities can normally be accomplished within the established workday or work week. Occasionally, some overtime work may be necessary for performance of work duties and responsibilities. Therefore, certain employees may be required to work overtime to meet operational requirements.

When overtime is required, the non-exempt employee must obtain **prior approval** from their supervisor utilizing the [Overtime Approval Form](#). Supervisors should not approve staff members to work overtime without it being deemed as necessary. Non-exempt employees who work more than 40 hours during a workweek must indicate the preferred method of compensation on the overtime



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approval form. The method of compensation cannot be changed once approved by the supervisor. Methods of compensation include:

- Paid at the overtime rate of one and one half times their regular rate of pay **OR**
- Granted compensatory time off at the rate of one and one half times the number of hours worked over 40 in a workweek.

IV. Overtime Pay

As required by The Fair Labor Standards Act (FLSA), Athens State University pays non-exempt employees time and one half of the employees' regular rate of pay for all hours worked over 40 in a workweek. The University does not count paid holidays (designated as "H" on the University calendar), paid campus closed days (designated as "CC" on the University calendar), paid time off including, annual, personal, sick or any other types of leave taken by an employee toward the calculation of the overtime requirement, because these hours are not actually "worked" and are therefore not considered as hours counted toward overtime under the FLSA.

There is no requirement to pay overtime for hours in excess of eight hours per day, work on Saturday or Sunday, and work on holidays that does not result in exceeding 40 hours of work for a specific workweek.

V. Compensatory Time

Non-Exempt Employees

The supervisor may choose to allow non-exempt employees to accrue and use compensatory time off in lieu of pay for overtime hours worked or for hours scheduled and worked during any campus closed (CC) date(s). Agreement of compensatory time compensation must be entered into voluntarily by the employee prior to overtime hours worked and/or hours scheduled and worked during any campus closed (CC) date(s). Compensatory time is subject to the following provisions:

- Compensatory time will be credited to the employee at the appropriate FLSA rate.
 - If total hours worked for the week are greater than 40, then the compensatory time will be credited at the rate of time and one half for all hours worked over 40.
 - If total hours worked for the week are less than 40, then compensatory time will be credited at the rate of one hour for each hour worked.



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- Accrued compensatory time may not exceed 240 hours of pay.
- Additional compensatory time may not be earned as long as an employee's compensatory time balance remains at the maximum level (240 hours). The employee must receive overtime pay, rather than compensatory time, for all overtime hours worked as long as the maximum level is maintained.
- Upon termination of employment or at retirement, compensatory time must be paid in a lump sum and may not be used as creditable service or in adjusting the last day worked by an employee.
- Compensatory time, both accrued and taken, must be documented on employee time records.

Exempt Employees

Under normal circumstances, exempt employees are not eligible to receive compensatory time off. However, work schedules for exempt employees may be modified based on the needs of the University and at the discretion of the supervisor and upon approval by the appropriate Vice President. These modified work schedules for exempt employees do not, under normal circumstances, entitle the employee to additional compensation or compensatory time off. However, in the case of hours being scheduled and worked during the campus closed (CC) date(s), an exempt employee may be awarded a choice of either straight compensatory time off or pay at their current daily rate for the date(s) worked.

VI. Records and Responsibilities

It is the responsibility of the department head/supervisor to monitor overtime and compensatory time and modified work week/work cycles, and to ensure that employees are accurately reporting any hours worked, including those in excess of 40 hours in a workweek. Employees are responsible for accurately reporting all hours worked and for obtaining prior approval for overtime as described above. Off-the-clock work is strictly prohibited. Fraudulent timekeeping and falsification of records are subject to discipline, up to and including termination of employment.

Compensation methods for overtime must be preapproved by a supervisor. Every effort should be made to use comp time earned within the following pay cycle to avoid the accrual of large amounts



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of compensatory time. In order to stay with the 40-hour workweek, the supervisor has the discretion to modify the employee's schedule during a workweek based on the operational needs of the University.

An employee who violates this policy may be subject to disciplinary action.

VII. Responsibility for this Operating Policy

Policy Owner

As part of the initial approval of this policy by the President and subsequent to the original dissemination of the policy, the Vice President for Financial Affairs is the policy owner for the ongoing evaluation, review, and approval of this policy. Subsequent reviews and revisions to this policy must be in accordance with approved operating policy procedures and processes.

This policy will be reviewed every two years or more frequently as needed by the Policy Owner. Revisions will be reviewed/affirmed by the Cabinet and approved by the University President. This policy will be updated/published in the University's Policy Library.

Responsibility for Policy Implementation

The President has assigned the responsibility of implementing this policy to the CHRO/Assistant Vice President of Human Resources, under the direction of the Vice President for Financial Affairs.