

NUMBER: 378

SUBJECT: OVERTIME – NON-EXEMPT EMPLOYEES

APPROVAL DATE OF LAST REVISION: JANUARY 24, 2011, JANUARY 22, 2018

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378.1 – POLICY

The theory behind the overtime provisions of the Fair Labor Standards Act (FLSA) are designed to require employers to pay an increased cost for having non-exempt employees work more than 40 hours per week. Only actual hours worked accumulate toward overtime. While an employer is able to require non-exempt employees to work overtime, the employer is required to compensate the employee at the rate of 1.5 times their regular hourly rate of pay for that required time. As such, Bridgerland Technical College encourages Department Heads and supervisors to manage the time of their non-exempt employees in such a way that overtime is generally avoided.

The use of overtime is generally discouraged and should be avoided through proper scheduling of department workloads. With the exception of certain emergency situations, all overtime should be approved in advance by the department head or supervisor.

Agreeing to work overtime when requested by a department head or supervisor is a condition of employment. Refusal to work a reasonable amount of overtime, especially under emergency conditions, may result in disciplinary action. The overtime pay rate for non-exempt employees who work more than 40 hours in a week is 1.5 times the regular rate. Exempt employees may not receive overtime pay, but may be eligible for the generation of extra-service compensation time earned as outlined in Section 300.376 of the Policy Manual.

In lieu of overtime pay, non-exempt employees in the Maintenance and Custodial Departments may receive compensatory time off at a rate of 1.5 times the number of hours actually worked in excess of 40 hours per week. Compensatory time off, whenever possible, should be used within the same pay period that it is accumulated.

The maximum number of compensatory hours that can be accumulated before payment or time off must be given is 240 hours, unless the overtime worked was performing a seasonal activity such as snow removal. In cases when the overtime worked was in excess of 40 hours per week and involved a seasonal activity such as snow removal, the maximum number of compensatory time hours that can be saved before payment or time off must be given is 480 hours.

378.2 – PROCEDURES

378.2.1 – Work Week

The College's workweek begins at 12:01 a.m. on Sunday and ends at midnight the following Saturday.

All work over 40 hours within a week is compensated at 1.5 times the regular rate. Only hours *actually worked* count toward the 40 hours-per-work week test for overtime paid to non-exempt employees. Time away from work for which the employee is paid (e.g., sick leave, annual leave, holidays, etc.) does not count toward the 40 hours-per-work week test.

378.2.2 – Hours Worked

Time spent by an employee engaged in any part of the job's main duties is considered as hours worked. This includes work that occurs outside regular working hours or during lunch hours. Generally, it does not matter where this activity occurs; it is still counted as hours worked. Time spent in preparatory work, cleanup, or any other required preliminary activity also counts as hours worked. In addition, time spent by an employee waiting because of interruptions beyond his or her control is counted.

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378.2.3 – Recording Hours Worked

Departments should develop methods to record hours worked, unless the Accounting Department has imposed an electronic recording method on the employees within the respective department. This information must be forwarded to the Accounting Department on the appropriate time sheet, clearly detailing when the overtime or extra-service time was worked.

378.2.4 – Overtime Payment

Payment should be made within the pay period in which the overtime occurred.

378.2.5 – Holidays

Benefit eligible, classified employees who must work on recognized holidays may schedule another day off, generally within thirty days.

378.2.6 – Occasional and Sporadic Employment

Employment in a second position, which is occasional and sporadic and in a different capacity, may not have to be compensated at 1.5 times the regular rate even if the total combined hours exceed the 40-hour limitation. To meet this exemption, the work must be intermittent and irregular, rather than continuous and regular. The Department of Labor has identified employment in certain activities as occasional and sporadic. Situations should be reviewed on a case-by-case basis. Employment in the different capacity must be made freely by the employee without fear of reprisal.

378.2.7 – Volunteers

Individuals who volunteer their services and receive no compensation are excluded from the definition of "employee" and are thus excluded from coverage of the Fair Labor Standards Act. They may be paid expenses, reasonable benefits, nominal fees, or a combination of these. However, employees may not volunteer to perform services of the same type they are employed to perform.

378.2.8 – Emergency Call-In Time

In circumstances when a non-exempt employee is called in to work at times other than their usual scheduled hours, (for example, snow removal), the time recorded for compensation or comp. time will be the actual hours worked with a three-hour minimum. Actual hours worked count toward the 40-hour overtime calculation(s) in accordance with the other provisions of this policy.

378.3 – RESPONSIBILITY

378.3.1 – Department Heads and Supervisors

Department Heads and supervisors are responsible for approving overtime in advance and making sure new employees understand whether their positions are non-exempt (eligible for overtime pay) or exempt (not eligible for overtime pay).

Department Heads and supervisors are responsible for communicating the necessity of having to work overtime when requested as a condition of employment. Department Heads and supervisors must approve the number of hours worked by an employee within the pay period and specify that payment is for overtime.

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378.3.2 – Employees

Employees are responsible for accurately recording work hours, cooperating with overtime work needs, and balancing Bridgerland and personal needs when establishing flexible work schedules.