



EMPLOYEE RELATIONS

Policy on Workweek and Overtime

POLICY STATEMENT:

The Fair Labor Standards Act of 1938 (or "FLSA") is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay, or provided compensatory time-off in the case of government employees, for all hours worked over 40 hours in a workweek.

Overtime work shall be authorized for non-exempt employees only when the work is deemed necessary and is approved by the assigned individuals authorized to make such decisions.

Non-exempt employees may not work more than 40 hours a week unless specifically requested to do so by their supervisor. Non-exempt employees who are required to work overtime will receive time off at the rate of 1.5 times the number of hours worked over 40 in a workweek. Should the employee elect compensatory time, they may not accrue more than 240 hours of compensatory time and such compensatory time must be taken before the end of the university's fiscal year. All compensatory time balances on record as of May 31, must be paid out no later than the final bi-weekly pay period in June each fiscal year. Such payment shall be at the employee's regular earnings rate at the time the payment is made. Compensatory time earned in June will carry forward into the upcoming fiscal year.

A manager may pay a non-exempt employee who works more than 40 hours in a workweek overtime at 1.5 times the employee's regular rate of pay if that manager has identified the funding from his/her existing budget to cover the overtime expense, prior to the overtime work being performed. Managers should notify employees whether they will receive compensatory time or overtime pay.

A flexible work schedule during the same workweek may be arranged by supervisors to preclude the requirement for providing compensatory time off or overtime pay. It is a violation to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under or over report hours worked. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

Exempt employees are employed on a job basis and are expected to perform their duties for whatever periods of time are required and not eligible for overtime pay or compensatory time off.

PROCEDURES:

Generally, the FLSA overtime provisions for governmental employees and this Policy maintain that:

- Compensatory time may be awarded in lieu of overtime payment.
- If compensatory time is provided, one and one-half hours off will be granted for each overtime hour worked.
- If overtime payment is provided, the overtime pay must be computed at one and one-half times the regular hourly rate.
- Time off for holidays, paid leave and compensatory time are not counted as hours worked in calculating overtime payments.
- Off duty time for meals is not counted as hours worked for purposes of calculating overtime payments.
- Overtime earnings, including compensatory time, must be calculated for each workweek. Hours cannot be averaged over two or more workweeks.
- Employees must be notified prior to performing overtime work that compensatory time will be provided in lieu of overtime payment; this notice requirement is satisfied by providing the employee copies of the institution's personnel policies, by conducting orientation prior to performing work and/or notification at time of hire.
- Employees terminating from the institution or transferring to a new department will receive a compensatory time payout from the department in which they earned the compensatory time.
- The payout will be at the employee's current rate of pay.
- Compensatory time must be used within a reasonable period provided it does not unduly disrupt the department operations.
- Employees are required to use accrued compensatory time prior to using other leave (including annual leave or sick leave). Exceptions will be considered if an employee needs to use accumulated annual leave to reduce their annual leave balance to 360 hours by December 31 to avoid forfeiture of hours over 360.



This form to be completed by Non-Exempt, Hourly-Paid Employees Only

Understanding Concerning the Use of FLSA Compensatory Time

FY: _____

FLSA Compensatory Time Use Acknowledgment Form

I, _____, do hereby acknowledge and agree that as part of my employment terms and conditions with Savannah State University, (hereinafter referred to as my employer), I understand that I may be required to work more than forty hours in a work week. I further understand that as a non-exempt, hourly-paid employee, in lieu of monetary overtime compensation, I may receive compensatory time off at the rate of one and one-half hours for each hour of employment for which overtime compensation is required by the Fair Labor Standards Act of 1938 (FLSA).

I understand that the compensatory time may be preserved, used, or cashed out between the period of _____, consistent with FLSA provisions and Savannah State University policy.

EMPLOYEE

DATE