



FERRIS STATE UNIVERSITY

HUMAN RESOURCES

HR Related Policies & Procedures

Effective Date: August 16, 2013

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Overtime and Compensatory Time for Non-Exempt Employees

COVERED EMPLOYEES

- All Non-Exempt Employees

Note: Bargaining unit employees are covered by the terms and agreements of the [collective bargaining agreement](#) (CBA). Please refer to the CBA for details. To the extent the rights under an applicable CBA are inconsistent with this policy, the terms of that CBA will be applied.

HR POLICY

The University will comply with the Federal Fair Labor Standards Act (FLSA) and applicable State laws governing minimum wages, overtime pay, and child labor. Human Resources determines “exempt” or “non-exempt” status for positions in accordance with FLSA guidelines. Questions regarding exemption status should be directed to Human Resources.

Unless otherwise provided by an applicable CBA, all overtime hours for non-exempt employees are considered hours eligible for overtime or compensatory time. Only time worked, not exception time, will be counted toward the forty (40) hours per week required before receiving overtime at a time-and-one-half rate of pay. Pay for over eight (8) hours in a day will be at the regular hourly rate of pay until forty (40) hours have been accumulated in that workweek.

HR PROCEDURES/DESCRIPTION/DEFINITIONS

- A. Exempt employees are not covered by the overtime provisions of the FLSA. Exempt employees do not receive additional compensation for work or additional duties as assigned, even though it may cause them to work more than forty (40) hours a workweek.
- B. Non-exempt employees are covered by the overtime provisions of the FLSA. Non-exempt employees do receive additional compensation for work performed

related to their University responsibilities when the hours actually worked exceed forty (40) in a workweek.

C. Compensatory time (comp time) may be agreed upon between the supervisor and the non-exempt employee. Comp time is calculated at the rate of time-and-one-half for each hour worked over forty (40) hours per workweek, exclusive of exception time. Comp time may be used at times requested by the employee so long as sufficient prior notice is provided and the time-off will not unduly disrupt the operations of the applicable department.

1. Comp time may be accrued up to eighty (80) hours every six (6) months. Unused accumulated compensatory time will be paid to the employee at the employee's then current hourly rate each June and December or upon termination, whichever comes first. Comp time balances are maintained through the Payroll Office and employee balances are available on MyFSU.

2. **RESPONSIBILITY**

a. Employee: The employee must discuss and receive supervisor approval in advance if comp time shall be accrued instead of overtime pay for hours exceeding forty (40) hours in a work week. Employee shall indicate use of comp time or other leave time when recording time off in accordance with all time off approvals.

b. Supervisor: The supervisor and the employee should agree in advance if comp time shall be accrued instead of overtime pay for hours exceeding forty (40) in a work week. The supervisor shall be reasonable in scheduling the use of accumulated comp time use upon request of the employee.

D. Supervisors should approve overtime in advance of it being worked, however, all overtime worked must be compensated. Non-exempt employees need to receive approval from their supervisor prior to working the extra hours. If the employee repeatedly works extra hours without obtaining prior approval, s/he may be subject to disciplinary action for unauthorized overtime.

E. Non-exempt employees are not to start working before their scheduled start times, or work after their scheduled end times, without prior authorization by their supervisor. Any work performed during these periods, however, must be accurately recorded in the time and attendance records.

F. Departmental meal breaks of thirty (30) or sixty (60) minutes are unpaid and scheduled by the department. The non-exempt employee must be compensated if duties are performed during a meal break and at least thirty (30) uninterrupted minutes are not provided. For example, an employee who remains at his/her desk while eating lunch and regularly answers the telephone and refers callers is

working. This time must be counted and paid as compensable hours worked because the employee has not been completely relieved from duty. Employees are not normally to work during their meal breaks unless authorized by their supervisor.

- G. Supervisors may require the non-exempt employee to work overtime, and should give as much notice as possible.
- H. Supervisors may re-arrange a non-exempt employee's work schedule to meet the need of the department/unit or to avoid incurring overtime obligations. Advance notice will normally be provided to the employee. If a schedule is re-arranged and the work hours do not exceed forty (40) hours during the workweek, then no overtime premium or compensatory time is due.
- I. Time worked by a non-exempt employee outside of the regular schedule, including working evening hours, count as hours worked for the purpose of determining whether overtime premium pay is due.

The following examples from the U.S. Department of Labor further elaborate on what counts and what does not count as working time which will be paid and apply to determine if overtime is worked.

Lectures, Meetings and Training Programs: Attendance at lectures, meetings, training programs and similar activities need not be counted as working time only if four criteria are met, namely: it is outside normal hours; it is voluntary; it not related to the job currently held by the employee; and no productive work is concurrently performed.

Travel Time: The principles which apply in determining whether time spent in travel is compensable working time depends upon the kind of travel involved.

Home to Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel, which is not work time.

Home to Work on a Special One Day Assignment in Another City: An employee who regularly works at a fixed location in one city is given a special one day assignment in another city and returns home the same day. The time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time typically spent commuting to the regular work site.

Travel that is all in a Day's Work: Time spent by an employee in travel as part of the employee's principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's normal workday. The time is not only hours worked on regular working days during normal working hours, but also during corresponding hours on nonworking days. Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile do not count as hours worked.

Refer Questions To: Human Resources