

Missouri Western State University
**Overtime, Flex Time, Comp Time
Employment Policies**

Approved: 4/23/2020

Overtime

The University will classify employees as exempt or non-exempt in accordance with applicable federal codes and regulations. More specifically, the Fair Labor Standards Act (FLSA) sets overtime pay requirements. The FLSA's overtime provisions apply to employees in certain types of jobs. Employees who are not subject to these overtime provisions are considered "exempt." Employees considered "non-exempt" are subject to these overtime provisions. These standards apply equally to all non-faculty positions.

If necessary, exempt employees may be required to work beyond the normal work day/week, in excess of 37.50 hours per week, without additional compensation.

For non-exempt employees, the University pays overtime. Its general policy, however, is to *avoid overtime*. At times, the volume of work may make it necessary for a non-exempt employee to work in excess of the regularly scheduled workweek. Any time worked outside of regularly scheduled work hours is considered compensable time for non-exempt employees. This includes time spent on checking/responding to emails, phone calls or other work, working prior to or after regularly scheduled hours, including work over a regular lunch or break period. This type of work is *strongly discouraged* and subject to advance approval.

More specifically, supervisors are responsible for authorizing and scheduling overtime in advance; therefore, a nonexempt employee shall not work overtime unless authorized in advance by his/her supervisor. Employees are expected to work overtime when requested to do so. Supervisors must be vigilant to ensure that all work time worked is reported accurately. Overtime pay or compensation is accrued when a non-exempt employee **works** in excess of 37.50 hours per workweek at the direction of his/her supervisor. Compensation for overtime will be calculated at one and one-half hour times the regular rate of pay. For overtime calculations, the workweek will commence at 12:00 a.m. on Sunday and end at 11:59 p.m. on Saturday.

Additional hours worked in a workweek are only those directed and approved by the supervisor; work is not to be performed at the discretion of the employee.

Flex Time

Supervisors have the option of requiring non-exempt employees to use Flex Time. Flex Time is defined as time off of work *within the same work week* to compensate for time worked in excess of any regularly scheduled workday. Flex Time is to be accrued on a basis of one hour of accrued time for each hour worked in excess of a regularly scheduled day. The express purpose of Flex Time is to avoid the circumstance of the employee working in excess of 37.50 hours in any given work week and the payment of overtime wages.

Compensatory Time (Comp Time)

Earning Comp Time

Supervisors also have the option of requiring that comp time be accrued and used by a non-exempt employee in lieu of overtime pay. Comp time can be earned when a non-exempt employee **works** in excess of 37.50 hours in any particular workweek. Comp time is accrued at a rate of one and one-half times the hours worked in excess of 37.50 hours (similar to overtime) per workweek.

Recording Comp Time

Earned and used comp time must be recorded in the University's timekeeping system as part of the regular payroll cycle. An employee's official comp time hours will be the account balance within that system.

Using Comp Time

Comp time must be earned before it is taken. Once earned, the employee is then allowed to use their earned comp time at a mutually agreed upon time by the supervisor and the employee.

Employees may accumulate up to the FLSA maximum (240 hours) of compensatory time. Lower limits may be established by individual departments. Supervisors may require that an employee use accrued comp time to cover absences instead of utilizing accrued leave. In addition, a supervisor may require the employee to take time off to reduce comp time balances.

For the purpose of computing overtime, comp time taken will not be counted as hours worked.

Paying Out Comp Time

To limit the financial liability of the University, the employee and supervisor should make every effort to limit comp time balances and use comp time prior to a payout situation.

1. Annual Payment for Unused Comp Time: the University will pay unused comp time earned in the fiscal year at the end of the fiscal year.
2. Transfer to Exempt Position: Exempt employees are not eligible for comp time. Thus, if a non-exempt employee with a comp time balance is transferring to an exempt position, the University will pay the employee for the unused comp time prior to the completion of the transfer.
3. Transfer to Another Non-Exempt Position: A non-exempt employee transferring to another non-exempt position either within the same department or to a position outside the department where the comp time was earned will maintain his/her comp time balance.
4. Separation from the University: Upon resignation or termination, payment for all accumulated, unused comp time will be made in one lump-sum payment on the last scheduled pay day.

Emergency/Unscheduled Time

The University pays Emergency/Unscheduled Time compensation if an employee is called to work outside the regular work schedule or on a holiday or weekend on an emergency or unscheduled basis.

Employees called to work on an emergency or unscheduled basis after completing their regular work schedule will be compensated for a minimum period of two hours plus actual time worked

on site. For example, if an employee is called to work from midnight to 4:00 am to address an emergency problem at the residence halls, the employee will receive a total of six hours of pay (two hours Emergency/Unscheduled Time plus four hours actual time worked on site). "Emergency/Unscheduled Time" must be reported on the timesheet for each payroll period when earned.

Overtime worked when previously scheduled or when performed either at the beginning or end of a regularly scheduled shift is not considered Emergency/Unscheduled Time. The University will compensate such work at the regular overtime rate, assuming that the employee worked in excess of 37.50 hours within that particular work week, and that the overtime was performed at the direction of the supervisor.

If an employee is "called in" to work, for example, an hour early, he/she will be compensated at the regular overtime rate, which is calculated at one and one-half times the regular rate of pay, **only** if that employee works in excess of 37.50 hours in that particular work week. However, if an employee is called into work in the middle of the night to make emergency repairs, is able to complete the repairs and return home before the beginning of the next scheduled shift, this time will be considered Emergency/Unscheduled Time.