

6Hx19-2.63 OVERTIME WORK BY EMPLOYEES

The purpose of this Board Rule is to establish Board policy regarding compensation for employees for overtime work in compliance with the Federal Fair Labor Standards Act.

It is the intent of the Board that personnel be managed effectively so that College employees are not required to work overtime hours. However, it may be occasionally necessary for an employee to work overtime for the benefit of College operations. Compensation for overtime work shall be paid in accordance with the following:

1. Employees Eligible for Overtime Compensation (Non-Exempt)

Employees eligible for overtime compensation are those employees who hold positions deemed to be non-exempt from the Federal Fair Labor Standards Act (Act) based upon definitions provided in the Act. Employees who hold positions that are deemed to be exempt from the Act are not eligible for overtime compensation. The College positions deemed to be non-exempt and those deemed exempt are identified in Internal Management Memorandum (IMM) #2-17 *Compensatory/Overtime Procedures*.

2. Overtime Work Hours and Extra Work Hours

“Overtime Work Hours” are defined as those hours (or fractions of an hour) which a non-exempt employee **actually works** in excess of 40 hours in a given work week. A work week begins at 12:00 AM on Saturday and ends at 11:59 PM on Friday. The hours that an employee **actually works** do **not** include any time that an employee receives during the week as time off with pay, such as holiday pay, vacation leave pay, or sick/personal leave pay.

In the event that a non-exempt employee works extra hours (or fraction of an hour) in excess of the employee’s regular work schedule during a week in which the employee has earned holiday pay, but the employee has not **actually worked** in excess of 40 hours, the extra hours which exceed the employee’s regular work schedule will be referred to as “Extra Work Hours” and will be compensated at rate different from the rate of compensation for “Overtime Work Hours.” For all purposes other than rate of compensation, “Extra Work Hours” and “Overtime Work Hours” will be treated the same.

In the event that a non-exempt employee works extra hours in excess of the employee’s regular work schedule during a week in which the employee has used vacation leave pay or sick/personal leave pay, the extra hours worked will first be applied against the leave hours and will result in a reduction or elimination of the leave hours used. To the extent that the extra hours worked exceed the leave hours used, the leave hours used will be eliminated and the remaining balance of extra hours worked will be compensated as “Extra Work Hours.” For all purposes other than rate of compensation, “Extra Work Hours” and “Overtime Work Hours” will be treated the same.

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3. Rate of Compensation for Overtime Work Hours

Non-exempt employees who are authorized by a designated supervisor to work Overtime Work Hours or Extra Work Hours (as defined above) will receive compensation in the form of paid time off. Overtime Work Hours must be worked in increments no smaller than one-half ($\frac{1}{2}$) hour each. Overtime Work Hours will be compensated at the rate of 1.5 hours for every hour of overtime work. In the case of fractional overtime, the employee shall receive 1.5 (Overtime Work Hours) times the fraction of an hour of overtime. This paid time off is hereafter referred to as "Compensatory Time Off."

At the discretion of the President or the Vice President of Finance and Auxiliary Services, the College may, when it serves the best interest of the College, pay an employee for Overtime Work Hours in the form of money in lieu of Compensatory Time Off. Such payment shall be made through the regular payroll system of the College, and shall be subject to all state and federal withholding regulations. The rate of monetary payment shall be 1.5 times the employee's regular hourly rate of pay for Overtime Work Hours,

4. Rate of Compensation for Extra Hours Worked

Non-exempt employees who are authorized by a designated supervisor to work extra work Hours (as defined above in Item 2) will receive monetary compensation. Extra Work Hours must be worked in increments no smaller than one-half ($\frac{1}{2}$) hour each. Extra Work Hours will be compensated at the rate of 1.0 hour for every hour of extra work. In the case of fractional extra hours, the employee shall receive 1.0 (Extra Work Hours) times the fraction of an hour of the extra hour. Such payment shall be made through the regular payroll system of the College, and shall be subject to all state and federal withholding regulations. The rate of monetary payment shall be 1.0 times the employee's regular hourly rate of pay for Extra Work Hours.

5. Authority to Work Overtime or Extra Time

Every non-exempt employee must be authorized by a designated supervisor before the employee may work Overtime Work Hours or Extra Work Hours. In the event that a supervisor or a non-exempt employee recognizes a need for the non-exempt employee to work beyond the scheduled hours for the employee, the supervisor must first attempt to re-allocate the work load among exempt and non-exempt employees so that non-exempt employees are not required to work Overtime Work Hours or Extra Work Hours. If this is impossible or impractical, then, pursuant to the procedures set forth in IMM #2-17, the designated supervisor

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may authorize a non-exempt employee to work Overtime Work Hours or Extra Work Hours.

6. **Maximum Compensatory Time Off Accrual**

It is the policy of the College that employees will work overtime or extra time hours only in exceptional circumstances when it is necessary for College operations. The maximum number of hours of Compensatory Time Off an employee is authorized to accrue is 45 hours of time off. A non-exempt employee shall NOT be authorized to work overtime hours if such work would result in the employee accruing more than 45 hours of Compensatory Time Off. In emergency situations, when it serves the best interest of the College, the President or the Vice President of Finance and Auxiliary Services may waive this provision and permit an employee to accrue more than 45 hours of Compensatory Time Off.

7. **Use of Compensatory Time Off by Non-Exempt Employees**

Every non-exempt employee must obtain the permission of a designated supervisor in order to use the employee's accrued Compensatory Time Off. Such Compensatory Time Off should be used as soon as possible, but in no event shall it be used later than 45 days after the date on which it was earned. It shall be the joint responsibility of the employee and the supervisor to monitor the record to ensure that Compensatory Time Off is used within this 45 day period. The College will endeavor to cooperate with its non-exempt employees to facilitate the use of Compensatory Time Off within the given 45 day period. However, use of Compensatory Time Off will be permitted only when it does not disrupt the activities of a department. Non-exempt employees shall use and exhaust accrued Compensatory Time Off before requesting the use of sick / personal leave or vacation leave.

8. **Termination of an Employee who has Accrued Compensatory Time Off**

Upon termination of employment for any reason, all of the Compensatory Time Off accrued and unused by that employee will be paid to the employee in the form of money. Such payment shall be made through the regular payroll system of the College and shall be subject to all state and federal withholding regulations.

9. **Expiration of Accrued Compensatory Time Off**

It is the policy of the College that all accrued Compensatory Time Off shall be used by June 30 of each year. On July 1 of each year, every non-exempt employee shall have a Compensatory Time Off balance of zero. In extraordinary circumstances, and with the permission of the President, the College may pay an

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employee for any accrued Compensatory Time Off not used by June 30. Such payment shall be made in the form of money, through the regular payroll system of the College, and shall be subject to all state and federal withholding regulations.

10. Record-Keeping and Other Procedures and Forms

The College shall comply with the Federal Fair Labor Standards Act by maintaining such records and by following such procedures contained in IMM # 2-17. The forms to be used in the implementation of the policy shall be identified in IMM #2-17.

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Effective Date: 4/21/98; 1/20/09

Reviewed:

President's Administrative Leadership Team – Non-Substantive/Editorial: 11/05/18

Legal Authority:

General Authority: Florida Statutes: 1001.64; 1001.65;

Other References:

Law Implemented: Florida Statutes: 1001.64(1)(2)(4)(5)(18)(43)(44);
1001.65(1)(3)(16)(24); 29 USC Section 201 et seq. (The Fair Labor Standards Act)

Proposer: Timothy L. Beard, President