

5.5 Fair Labor Standards Act

The Fair Labor Standards Act recognizes two basic categories of employees:

- **Exempt:** Employees not covered by the act
- **Non-Exempt:** Employees covered by the act

If an employee's position is classified as *non-exempt*, the normal work week is forty (40) hours.

An employee is considered to have earned overtime when he/she has worked in excess of forty (40) hours in any work week. A regular work week consists of forty (40) hours (from 12:00 a.m., Saturday through 11:59 p.m., Friday). It is the policy of the University to arrange for all work to be completed within that period. It is recommended that prior authorization from the employee's immediate supervisor and the department head be given before an employee works in excess of forty (40) hours per week.

In determining the number of hours worked by an employee within a given work week, time spent on Annual Leave, Sick Leave and holidays will not be counted as time worked. Any leave or holiday time included in a work week that results in an excess of forty (40) hours is to be compensated at straight time rates only. After excluding holiday and leave time from the total hours worked, if there are still excess hours over forty (40), that time is to be compensated at time-and-a-half. If the manager determines that it is in the best interest of the University to give monetary compensation for the overtime worked, a Comp Time Payout Form along with documentation must be provided and approved by the department head and appropriate Vice President.

The following actions are the preferred order for addressing the accumulation of compensatory time:

1. Supervisors should adjust work schedules and/or leave approval during the workweek to prevent the accumulation of compensatory time.
2. Supervisors may request or direct employees to use their compensatory time during a period of time that has minimal impact on the work unit's operations. The action may be taken to reduce the accrued compensatory time balance and avoid cash payments.
3. Employees must exhaust all accrued compensatory time before use of annual leave.
4. Employees may also use compensatory time in lieu of sick leave.

The Fair Labor Standards Act limits the amount of compensatory time most employees can accrue up to 240 hours.

Note: Requests by employees for use of Compensatory Leave Time are handled in the same manner as requests for Annual Leave. Departments will work with employees to schedule Compensatory Leave Time that meets the employee's needs and least interrupts the duties for the department. Unused Compensatory Time will be paid upon termination of employment.