



Title: #IV-10. Overtime

Date: February 19, 2008 (replaces version dated June 5, 2007)

These campus guidelines concerning overtime eligibility, approval, and compensation are established in accordance with the requirements of the Fair Labor Standards Act (FLSA) and WV Code §18B-7-11 and §21-5C; [Series 8](#) and [Series 39](#) of the Higher Education Policy Commission and the WV Council for Community and Technical College Education.

Eligibility

Non-Exempt Employee: An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act. Non-exempt employees must be compensated at a rate of time-and-one-half for hours worked over 40 in a workweek.

Exempt Employee: An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to be compensated for overtime work. Exempt positions generally include supervisory, managerial, administrative, and certain professional and specialized positions. All administrative, professional, and instructional faculty are by definition “exempt” employees.

Approvals

The supervisor must approve overtime in advance. If the overtime work to be undertaken is for another department, authority to pay must be given by the budget holder paying for the overtime. Non-exempt employees are prohibited from working overtime without prior approval.

All **paid** overtime must also be approved by the appropriate executive level administrator in advance. The executive level administrator may verbally authorize paid overtime to deal with emergency situations that threaten life or safety (such as snow removal). All other requests for paid overtime must be authorized in writing by the executive level administrator prior to the time being worked. Time sheets that record overtime worked by full-time employees are due in the Payroll Department on the 15th and the last working day of each month.

General Guidelines

All full-time employees are scheduled to work 37 ½ hours during their assigned workweek. Work schedule adjustments rather than overtime should be used to provide coverage during peak periods. When feasible, the option of assigning part-time student workers to provide coverage may be considered rather than scheduling overtime. In emergency circumstances or to meet special requirements, overtime may be scheduled and must be approved in advance. When possible, overtime will be distributed equally among employees in same positions within a group, department, or occupation.

Only actual hours worked beyond forty (40) within a workweek by a non-exempt employee qualify as overtime. Work release time, time off for paid holidays, and absences charged to leave accruals during the workweek are not calculated as actual hours worked for overtime. Overtime must be compensated: in wages at the rate of one and one-half (1½) the employee's regular rate of pay; or in compensatory time off at the rate of one and one-half (1½) the time worked over forty hours. Time worked between 37.5 and 40 hours within a workweek by a non-exempt employee must be compensated at the employee's regular hourly rate of pay.

Compensatory time off may be used in lieu of overtime pay to non-exempt employees that work in excess of forty (40) hours in the work week. Compensatory time off for hours worked between 37.5 and 40 hours within a workweek by a non-exempt employee may be compensated at an hour for hour rate. In order to provide compensatory time off in place of overtime pay there must be a mutual written agreement between the employee and the supervisor prior to the work being performed.

When a non-exempt employee is required to work on any scheduled holiday, that employee at his/her option shall receive regular pay plus substitute time off or additional pay at the rate of one and one-half (1½) times the number of hours actually worked. Time off must be used within a six-month period following the holiday. If an observed holiday occurs on a staff member's regular, scheduled day off, the staff member shall be granted the holiday leave entitlement (7 ½ hours) at another time within 6 months of the holiday.

When an **exempt** employee is required to work on any scheduled holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

When the college is closed, only those people who have been specifically scheduled (i.e., for snow removal, switchboard operation and security of facilities) will work. Compensatory or overtime cannot be used by any employee not specifically scheduled to report during the closed hours.

Compensatory time off shall be allowed only to the extent authorized by federal and state law.