

PERSONNEL

Personnel

Overtime Compensation (6.28)

PURPOSE

The purpose of this policy is to comply with applicable local, state and federal laws, and to provide equitable consideration for work performed beyond the normal work week.

POLICY

It is the policy of Tennessee State University to require any employee to work overtime hours in order to meet the needs of the University and students. However, exempt employees are not eligible for overtime compensation. It is the intent of this policy to specify the terms and conditions by which overtime compensation will be paid to applicable employees and under what conditions overtime compensation is not payable.

It is the expressed policy of Tennessee State University that Clerical and Support Employees who are subject to the Fair Labor Standards Act, as amended, shall agree, as a condition of employment with the University to accept Compensatory time off for all overtime hours worked, in lieu of overtime pay, except under the following conditions:

The President of Tennessee State University shall approve all overtime pay.

Any overtime hours worked will be compensated through the application of compensatory time, unless the overtime hours have been approved by the President prior to their being worked.

This policy shall suffice as an understanding between TSU and employees in permitting the use of compensatory time.

Employees in exempt classifications are not subject to these overtime or compensatory time provisions.

PROCEDURE

A. Compensatory Time (Comp Time)

Definition: Compensatory Time is the accepted form of compensation for clerical and support employees who are subject to overtime provisions of the Fair Labor Standards Act.

Compensatory time will generally be awarded to eligible employees for all hours worked beyond 40 in one work week. Compensatory time earned by an employee constitutes a legal liability for

the University. Eligible employees may generally accrue a maximum of 240 hours of compensatory time. Compensatory time will be awarded at the rate of time and one half for each hour worked beyond 40 in any work week.

Public Safety and Security employees may accrue a maximum of 480 hours of compensatory time. The 480 hours accrual limit for public safety and security personnel does not apply to office or support personnel or other civilian employees who perform public safety activities in emergency situations, even if they spend substantially all of this time during a particular work week on public safety activities.

Employees who transfer from a public safety/security position to a position subject to the 240 hour limit may carry over to the new position any accrued compensatory time. However, the employee must be compensated in cash wages for any subsequent overtime hours worked until the number of accrued hours of compensatory time falls below the 240 hour limit.

An employee, who has accrued compensatory time and requests use of the time, must be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operations of the University or its business.

B. Payment For Unused Compensatory Time Separation of Employment

Employees eligible for compensatory time shall receive payments (cash) for accrued unused compensatory time, upon separation from the University.

Upon termination of employment, an employee must be paid for unused compensatory time figured at:

1. the average wages regular rate received by the employee during the last three years of employment or
2. The final regular rate received by the employee, whichever is higher.

(The phrase "last 3 years of employment" means the 3-year period immediately prior to termination).

C. Compensatory Time Volunteer Work

Under these procedures and in compliance with the Fair Labor Standards Act, the following shall apply:

1. An employee who volunteers to work overtime must be paid for that time because the employee is being permitted or suffered to work for the benefit of the University.

NOTE: Department Heads and Supervisory personnel who permit clerical/support personnel to come in early and leave late must pay such employees overtime or compensatory time as provided in these policies.

2. Department Heads and Supervisory personnel must instruct employees, subject to the Fair Labor Standards Act, not to work overtime and, if necessary, take steps to discipline employees who work unauthorized overtime hours.

D. Compensatory Time Record Keeping

In addition to the general record keeping requirements of the Fair Labor Standards Act and TSU, special record keeping procedures must be followed for all TSU employees who are subject to these compensatory time provisions. Immediate supervisors must maintain and record the following:

1. The number of compensatory hours earned each work week by employee.
2. The number of compensatory hours used each week by each employee.
3. The number of compensatory hours paid in cash. The total amount paid and the date of payment.

Department heads or their designee shall be held responsible for documenting, maintaining and reporting required compensatory time information to Personnel. Compensatory time must be appropriately documented on the University's established time sheet.

REFERENCE

None